

Extra Ordinary Part – IV / 2019

Extra No.	Date	Department
Extra No.1	05-03-2019	Legislative & Parliamentary Affairs Department
Extra No.2	05-03-2019	Legislative & Parliamentary Affairs Department
Extra No.3	06-03-2019	Legislative & Parliamentary Affairs Department
Extra No.4	07-03-2019	Legislative & Parliamentary Affairs Department
Extra No.5	21-05-2019	Legislative & Parliamentary Affairs Department
Extra No.6	21-05-2019	Legislative & Parliamentary Affairs Department
Extra No.7	12-07-2019	Legislative & Parliamentary Affairs Department
Extra No.8	23-07-2019	Legislative & Parliamentary Affairs Department
Extra No.9	01-08-2019	Legislative & Parliamentary Affairs Department
Extra No.10	01-08-2019	Legislative & Parliamentary Affairs Department
Extra No.11	02-08-2019	Legislative & Parliamentary Affairs Department
Extra No.12	03-08-2019	Legislative & Parliamentary Affairs Department
Extra No.13	03-08-2019	Legislative & Parliamentary Affairs Department
Extra No.14	19-08-2019	Legislative & Parliamentary Affairs Department
Extra No.15	19-08-2019	Legislative & Parliamentary Affairs Department
Extra No.16	19-08-2019	Legislative & Parliamentary Affairs Department
Extra No.17	19-08-2019	Legislative & Parliamentary Affairs Department
Extra No.18	19-08-2019	Legislative & Parliamentary Affairs Department
Extra No.19	20-08-2019	Legislative & Parliamentary Affairs Department
Extra No.20	20-08-2019	Legislative & Parliamentary Affairs Department
Extra No.21	22-08-2019	Legislative & Parliamentary Affairs Department
Extra No.22	22-08-2019	Legislative & Parliamentary Affairs Department
Extra No.23	27-08-2019	Legislative & Parliamentary Affairs Department

Extra No.	Date	Department
Extra No.24	24-10-2019	Industries & Mines Department
Extra No.25	05-11-2019	Legislative & Parliamentary Affairs Department
Extra No.26	27-11-2019	Legislative & Parliamentary Affairs Department
Extra No.27	17-12-2019	Legislative & Parliamentary Affairs Department
Extra No.28	17-12-2019	Legislative & Parliamentary Affairs Department
Extra No.29	17-12-2019	Legislative & Parliamentary Affairs Department
Extra No.30	17-12-2019	Legislative & Parliamentary Affairs Department
Extra No.31	17-12-2019	Legislative & Parliamentary Affairs Department
Extra No.32	20-12-2019	Legislative & Parliamentary Affairs Department
Extra No.33	20-12-2019	Legislative & Parliamentary Affairs Department
Extra No.34	20-12-2019	Legislative & Parliamentary Affairs Department



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. LX | TUESDAY, MARCH 5, 2019/PHALGUNA 14, 1940

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 2nd March, 2019 is hereby published for general information.

K. M. LALA,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 1 OF 2019.

(First published, after having received the assent of the Governor, in the "Gujarat Government Gazette", on the 5th March, 2019).

AN ACT

to authorize payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Gujarat for the Services of the financial year ending on the thirty-first day of March, 2019.

It is hereby enacted in the Seventieth Year of the Republic of India as follows:-

1. This Act may be called the Gujarat (Supplementary) Appropriation Act, Short title. 2019.

Issue of
₹ 1,69,09,59,28,000/-
from and out of the
Consolidated Fund of
the State of Gujarat
for the financial year
2018-2019.

2. From and out of the Consolidated Fund of the State of Gujarat, there shall be paid and applied sums not exceeding those specified in column 4 of the Schedule hereto annexed amounting in the aggregate to the sum sixteen thousand nine hundred nine crores fifty-nine lakhs twenty-eight thousand rupees towards defraying the several charges which will come in course of payment during the financial year ending on the thirty-first day of March, 2019, in respect of the services and purposes specified in column 2 of the Schedule.

Appropriation. 3. The sums authorized to be paid and applied from and out of the Consolidated Fund of the State of Gujarat by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

SCHEUDLE

(See sections 2 and 3)

Demand No. Vote/ Appropriation	Services and Purposes	Revenue/ Capital	Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
			₹	₹	₹
1	2	3	4		
2	Agriculture	Revenue	18845929000	0	18845929000
5	Co-operation	Revenue	4051034000	0	4051034000
6	Fisheries	Revenue	384330000	3534000	387864000
9	Education	Revenue	32184083000	327013000	32511096000
13	Power Projects	Revenue	20926772000	0	20926772000
		Capital	5079998000	0	5079998000
14	Other expenditure pirating to Energy and Petro- Chemicals Departments	Revenue	1559000	0	1559000
15	Finance Department	Revenue	32436000	0	32436000
16	Tax collection charges (Finance Department)	Revenue	1000	0	1000
18	Pension and other Retirement Benefits	Revenue	0	20000000	20000000
20	Repayment of Debt pertaining to Finance Department and its servicing	Revenue	0	22000	22000
		Capital	0	55557000	55557000
22	Civil Supplies	Revenue	3000	0	3000
23	Food	Revenue	1000	0	1000
26	Forests	Revenue	1000	75300000	75301000
		Capital	41307000	0	41307000
27	Environment	Revenue	10000000	0	10000000
29	Governor	Revenue	0	7903000	7903000
31	Elections	Revenue	1278080000	0	1278080000
		Capital	76400000	0	76400000
32	Public Service Commission	Revenue	0	58027000	58027000
33	General Administration Department	Revenue	1000	0	1000

Demand No. Vote/ Appropriation	Services and Purposes	Revenue/ Capital	Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
			₹	₹	₹
1	2	3	4		
35	Other Expenditure pertaining to General Administration Department	Capital	830100000	0	830100000
39	Medical and Public Health	Revenue	2034004000	0	2034004000
		Capital	959941000	0	959941000
40	Family Welfare	Revenue	2173092000	0	2173092000
41	Other expenditure pertaining to Health and Family Welfare Department	Revenue	0	292000	292000
42	Home Department	Revenue	1000	0	1000
43	Police	Revenue	9914184000	0	9914184000
44	Jails	Revenue	96291000	0	96291000
46	Other expenditure pertaining to Home Department.	Revenue	1715292000	15026000	1730318000
		Capital	150835000	0	150835000
47	Industries and Mines Department.	Revenue	1000	0	1000
48	Stationery and Printing	Revenue	30525000	0	30525000
		Capital	25000000	0	25000000
49	Industries	Revenue	12651178000	0	12651178000
		Capital	27370000	0	27370000
50	Mines and Minerals	Revenue	303546000	0	303546000
52	Other Expenditure pertaining to Industries and Mines Department	Revenue	0	47110000	47110000
		Capital	0	13767000	13767000
54	Information and Publicity	Revenue	100000000	0	100000000
55	Other Expenditure pertaining to Information and Broadcasting Department	Revenue	0	4262000	4262000
57	Labour and Employment	Revenue	2000	13951000	13953000
60	Administration of Justice	Revenue	0	1000	1000

Demand No. Vote/ Appropriation	Services and Purposes	Revenue/ Capital	Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
			₹	₹	₹
1	2	3	4		
62	Legislative and Parliamentary Affairs Department	Revenue	1000	0	1000
65	Narmada Development Scheme	Capital	57837000	0	57837000
66	Irrigation and Soil Conservation	Revenue	1000	0	1000
		Capital	18575701000	800000000	19375701000
67	Water Supply	Capital	2188807000	0	2188807000
68	Other Expenditure pertaining to Narmada, Water Resources, Water Supply and Kalpsar Department.	Revenue	0	1700000000	1700000000
70	Community Development	Revenue	1919992000	0	1919992000
71	Rural Housing and Rural Development	Revenue	197213000	200072000	397285000
		Capital	6093000	0	6093000
74	Transport	Revenue	153769000	0	153769000
78	Tax collection charges(Revenue Department)	Revenue	1000	0	1000
79	Relief on account Natural Calamities	Revenue	11251074000	0	11251074000
		Capital	967460000	0	967460000
80	Dangs District	Revenue	3540000	0	3540000
81	Compensation and Assignment	Revenue	2899000	2058000	4957000
82	Other expenditure pertaining to Revenue Department	Revenue	4920000	0	4920000
83	Roads and Building Department	Revenue	19500000	0	19500000
84	Non-Residential Buildings	Revenue	834331000	3523000	837854000
		Capital	4000	3258000	3262000
85	Residential Buildings	Revenue	181078000	0	181078000
		Capital	1000	0	1000
86	Roads and Bridges	Revenue	0	64967000	64967000
		Capital	4039231000	196000000	4235231000

Demand No. Vote/ Appropriation	Services and Purposes	Revenue/ Capital	Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
			₹	₹	₹
1	2	3	4		
87	Gujarat Capital Construction Scheme	Revenue	10026000	0	10026000
88	Other expenditures pertaining to Roads and Buildings Department	Revenue	40000000	620000000	660000000
90	Other Expenditure pertaining to Science and Technology Department	Revenue	1000	0	1000
92	Social security and welfare	Revenue	1000	0	1000
95	Scheduled Caste sub-plan	Revenue	2609225000	0	2609225000
		Capital	1000	0	1000
96	Tribal Area sub-plan	Revenue	5000	8495000	8500000
		Capital	1000	0	1000
98	Youth Services and Cultural Activities	Revenue	3000	17812000	17815000
101	Urban Housing	Revenue	0	89029000	89029000
102	Urban Development	Revenue	5162035000	0	5162035000
		Capital	100000000	0	100000000
103	Compensation, Assignment and Tax Collection Charges	Revenue	2500000000	0	2500000000
104	Other expenditure pertaining to Urban Development and Urban Housing Department	Revenue	901000	0	901000
Total Revenue		Revenue	131622862000	3278397000	134901259000
Total Capital		Capital	33126087000	1068582000	34194669000
Grand Total			164748949000	4346979000	169095928000



સત્યમેવ જયતે

The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. LX | TUESDAY, MARCH 5, 2019/PHALGUNA 14, 1940

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 2nd March, 2019 is hereby published for general information.

K. M. LALA,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 2 OF 2019.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 5th March, 2019).

AN ACT

to authorise withdrawal of certain sums from and out of the Consolidated Fund of the State of Gujarat for the services of a part of the financial year ending on the thirty-first day of March, 2020.

It is hereby enacted in the Seventieth Year of the Republic of India as follows:-

1. This Act may be called the Gujarat Appropriation (Vote on Account) Act **Short title.** 2019.

Withdrawal of ₹ 6,42,55,38,59,000/- from and out of the Consolidated Fund of the State of Gujarat for the financial year 2019-20.

2. From and out of the Consolidated Fund of the State of Gujarat, there may be withdrawn sums not exceeding those specified in column 4 of the Schedule hereto annexed amounting in the aggregate to the sum of sixty-four thousand two hundred fifty-five crore thirty-eight lakhs fifty-nine thousand rupees towards defraying the several charges which will come in course of payment during the financial year 2019-20.

Appropriation. 3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Gujarat by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

SCHEDULE

(See sections 2 and 3)

Demand No. of Vote/ Appropriation	Services and Purposes	Revenue/ Capital	Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
			₹	₹	₹
1	2	3	4		
1	Agriculture and Co-operation Department	Revenue	55054000	0	55054000
2	Agriculture	Revenue	10761721000	0	10761721000
		Capital	333333000	0	333333000
3	Minor Irrigation, Soil Conservation and Area Development.	Revenue	524420000	0	524420000
		Capital	307151000	0	307151000
4	Animal Husbandry	Revenue	2642768000	0	2642768000
5	Co-operation	Revenue	2418782000	0	2418782000
		Capital	142234000	0	142234000
6	Fisheries	Revenue	1126883000	0	1126883000
		Capital	900000000	0	900000000
7	Other expenditure pertaining to Agriculture and Co-operation Department.	Capital	533000	0	533000
8	Education Department	Revenue	35472000	0	35472000
9	Education	Revenue	88437978000	827533000	89265511000
		Capital	1734261000	0	1734261000
10	Other expenditure pertaining to Education Department	Revenue	5200000	0	5200000
		Capital	153334000	0	153334000
11	Energy and Petro-Chemicals Department	Revenue	20650000	0	20650000

Demand No. of Vote/ Appropriation	Services and Purposes	Revenue/ Capital	Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
			₹	₹	₹
1	2	3	4		
12	Tax collection charges (Energy and Petro-Chemicals Department)	Revenue	80833000	0	80833000
13	Power Projects	Revenue	26805887000	0	26805887000
		Capital	10400500000	0	10400500000
14	Other expenditure pertaining To Energy and Petro-Chemicals Department	Revenue	3333000	0	3333000
		Capital	167200000	0	167200000
15	Finance Department	Revenue	70956000	0	70956000
16	Tax Collection Charges (Finance Department)	Revenue	1048823000	0	1048823000
17	Treasury and Accounts Administration	Revenue	638820000	0	638820000
18	Pension and other Retirement Benefits	Revenue	39070242000	33333000	39103575000
19	Other expenditure pertaining to Finance Department	Revenue	29234607000	0	29234607000
		Capital	1167000	0	1167000
20	Repayment of Debt pertaining to Finance Department and its Servicing	Revenue	0	68150834000	68150834000
		Capital	0	55303145000	55303145000
21	Food, Civil Supplies and Consumer Affairs Department.	Revenue	125010000	0	125010000
22	Civil Supplies	Revenue	2032416000	0	2032416000
23	Food	Revenue	187259000	0	187259000
		Capital	287681000	0	287681000

Demand No. of Vote/ Appropriation	Services and Purposes	Revenue/ Capital	Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
			₹	₹	₹
1	2	3	4		
24	Other expenditure pertaining to Food, Civil Supplies and Consumer Affairs Department	Capital	1000	0	1000
25	Forests and Environment Department	Revenue	38714000	0	38714000
26	Forests	Revenue	1781438000	1333000	1782771000
		Capital	1503659000	0	1503659000
27	Environment	Revenue	94855000	0	94855000
28	Other expenditure pertaining to Forest and Environment Department.	Capital	742000	0	742000
29	Governor	Revenue	0	26266000	26266000
30	Council of Ministers	Revenue	13677000	0	13677000
31	Elections	Revenue	4743682000	0	4743682000
		Capital	1000	0	1000
32	Public Service Commission	Revenue	53145000	74245000	127390000
33	General Administration Department	Revenue	375896000	0	375896000
34	Economic Advice and Statistics	Revenue	117642000	0	117642000
35	Other expenditure pertaining to General Administration Department	Revenue	87382000	1087000	88469000
		Capital	3564534000	0	3564534000
36	State Legislature	Revenue	154765000	1737000	156502000

Demand No. of Vote/ Appropriation	Services and Purposes	Revenue/ Capital	Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
			₹	₹	₹
1	2	3	4		
37	Loans and Advances to Government Servants in Gujarat Legislature Secretariat	Capital	967000	0	967000
38	Health and Family Welfare Department	Revenue	46987000	0	46987000
39	Medical and Public Health	Revenue	18571581000	0	18571581000
		Capital	2598590000	0	2598590000
40	Family Welfare	Revenue	6426324000	0	6426324000
		Capital	16667000	0	16667000
41	Other expenditure pertaining to Health and Family Welfare Department	Revenue	0	904000	904000
		Capital	500000	0	500000
42	Home Department	Revenue	59068000	0	59068000
43	Police	Revenue	15528217000	0	15528217000
44	Jails	Revenue	496007000	0	496007000
45	State Excise	Revenue	64545000	0	64545000
46	Other expenditure pertaining to Home Department.	Revenue	1087026000	2000000	1089026000
		Capital	1739934000	0	1739934000
47	Industries and Mines Department.	Revenue	58164000	0	58164000
48	Stationery and Printing	Revenue	235815000	0	235815000
49	Industries	Revenue	11685830000	0	11685830000
		Capital	62117000	0	62117000
50	Mines and Minerals	Revenue	638263000	0	638263000
		Capital	1033000	0	1033000
51	Tourism	Revenue	254347000	0	254347000
		Capital	1451833000	0	1451833000

Demand No. of Vote/ Appropriation	Services and Purposes	Revenue/ Capital	Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
			₹	₹	₹
1	2	3	4		
52	Other expenditure pertaining to Industries and Mines Department	Revenue	283577000	0	283577000
		Capital	379683000	0	379683000
53	Information and Broadcasting Department	Revenue	5803000	0	5803000
54	Information and Publicity	Revenue	414786000	0	414786000
55	Other expenditure pertaining to Information and Broadcasting Department	Revenue	38913000	0	38913000
		Capital	500000	0	500000
56	Labour and Employment Department	Revenue	67697000	0	67697000
57	Labour and Employment	Revenue	3281845000	0	3281845000
58	Other expenditure Pertaining to Labour and Employment Department	Capital	57000	0	57000
59	Legal Department	Revenue	43157000	0	43157000
60	Administration of Justice	Revenue	2918691000	488679000	3407370000
61	Other expenditure pertaining to Legal Department	Revenue	295407000	0	295407000
		Capital	1733000	0	1733000
62	Legislative and Parliamentary Affairs Department	Revenue	25160000	0	25160000
63	Other expenditure pertaining to Legislative and Parliamentary Affairs Department	Capital	1000	0	1000

Demand No. of Vote/ Appropriation	Services and Purposes	Revenue/ Capital	Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
			₹	₹	₹
1	2	3	4		
64	Narmada, Water Resources, Water Supply and Kalpsar Department	Revenue	64046000	0	64046000
65	Narmada Development Scheme	Capital	16500000000	0	16500000000
66	Irrigation and Soil Conservation	Revenue	3827396000	0	3827396000
		Capital	12601151000	133333000	12734484000
67	Water Supply	Revenue	713000000	0	713000000
		Capital	6798367000	0	6798367000
68	Other expenditure pertaining to Narmada, Water Resources, Water Supply and Kalpsar Department.	Revenue	0	666667000	666667000
		Capital	533000	0	533000
69	Panchayats, Rural Housing and Rural Development Department	Revenue	30250000	0	30250000
70	Community Development	Revenue	9505579000	0	9505579000
71	Rural Housing and Rural Development	Revenue	7842371000	1336533000	9178904000
		Capital	8124000	0	8124000
72	Compensation and Assignments	Revenue	458490000	0	458490000
73	Other expenditure pertaining to Panchayats, Rural Housing and Rural Development Department	Revenue	2633973000	0	2633973000
		Capital	7333000	0	7333000
74	Transport	Revenue	1665477000	0	1665477000
75	Other expenditure pertaining to Ports and Transport Department	Revenue	201076000	0	201076000
		Capital	18034000	0	18034000

Demand No. of Vote/ Appropriation	Services and Purposes	Revenue/ Capital	Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
			₹	₹	₹
1	2	3	4		
76	Revenue Department	Revenue	129521000	0	129521000
77	Tax collection charges(Revenue Department)	Revenue	1006913000	33000	1006946000
78	District Administration	Revenue	1834174000	0	1834174000
79	Relief on account Natural Calamities	Revenue	6097635000	0	6097635000
		Capital	250000000	0	250000000
80	Dangs District	Revenue	185218000	0	185218000
81	Compensation and Assignment	Revenue	1003535000	233000	1003768000
		Capital	100000	67000	167000
82	Other expenditure pertaining to Revenue Department	Revenue	6216000	0	6216000
		Capital	870000	0	870000
83	Roads and Building Department	Revenue	80697000	0	80697000
84	Non-Residential Buildings	Revenue	2220770000	4233000	2225003000
		Capital	2950493000	0	2950493000
85	Residential Buildings	Revenue	670762000	0	670762000
		Capital	667840000	0	667840000
86	Roads and Bridges	Revenue	11120488000	15667000	11136155000
		Capital	9253771000	35000000	9288771000
87	Gujarat Capital Construction Scheme	Revenue	54584000	0	54584000
		Capital	848033000	300000	848333000
88	Other expenditures pertaining to Roads and Buildings Department	Revenue	98792000	66667000	165459000
		Capital	12417000	0	12417000
89	Science and Technology Department	Revenue	1001280000	0	1001280000
90	Other expenditure pertaining to Science and Technology Department	Revenue	601500000	0	601500000
		Capital	3835000	0	3835000

Demand No. of Vote/ Appropriation	Services and Purposes	Revenue/ Capital	Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
			₹	₹	₹
1	2	3	4		
91	Social Justice and Empowerment Department	Revenue	27744000	0	27744000
92	Social security and welfare	Revenue	6357429000	8000000	6365429000
		Capital	2067713000	0	2067713000
93	Welfare of Scheduled Tribes	Revenue	1645198000	0	1645198000
		Capital	102149000	0	102149000
94	Other expenditure pertaining to Social Justice and Empowerment Department	Capital	533000	0	533000
95	Scheduled Castes sub-plan	Revenue	12961588000	0	12961588000
		Capital	2516499000	0	2516499000
96	Tribal Area sub- plan	Revenue	27693125000	16667000	27709792000
		Capital	13208329000	3333000	13211662000
97	Sports, Youth and Cultural Activities Department	Revenue	23833000	0	23833000
98	Youth services and Cultural Activities	Revenue	1299268000	0	1299268000
		Capital	134500000	0	134500000
99	Other expenditure pertaining to Sports, Youth and Cultural Activities Department	Capital	701000	0	701000
100	Urban Development and Urban Housing Department	Revenue	19982000	0	19982000
101	Urban Housing	Revenue	3311468000	620075000	3931543000
102	Urban Development	Revenue	29473139000	0	29473139000
		Capital	1868333000	0	1868333000
103	Compensation, Assignment and Tax Collection Charges	Revenue	577333000	100000000	677333000

Demand No. of Vote/ Appropriation	Services and Purposes	Revenue/ Capital	Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
			₹	₹	₹
1	2	3	4		
104	Other expenditure Pertaining to Urban Development and Urban Housing Department	Revenue	689000	0	689000
		Capital	33000	0	33000
105	Women and Child Development Department	Revenue	16183000	0	16183000
106	Other expenditure pertaining to Women and Child Development Department	Revenue	6849434000	2833000	6852267000
		Capital	96950000	0	96950000
107	Climate Change Department	Revenue	3857000	0	3857000
108	Other expenditure Pertaining to Climate Change Department	Revenue	337000000	0	337000000
	Total Revenue	Revenue	418966533000	72445560000	491412093000
	Total Capital	Capital	95666588000	55475178000	151141766000
	Grand Total		514633121000	127920738000	642553859000



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. LX | WEDNESDAY, MARCH 6, 2019/PHALGUNA 15, 1940

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations
made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 5th March, 2019 is hereby published for general information.

K. M. LALA,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 3 OF 2019.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 6th March, 2019).

AN ACT

further to amend the Gujarat Provincial Municipal Corporations
Act, 1949.

It is hereby enacted in the Seventieth Year of the Republic of India as follows:-

1. This Act may be called the Gujarat Provincial Municipal Corporations Short title.
(Amendment) Act, 2019.

Amendment of section 45 of Bom. LIX of 1949. 2. In the Gujarat Provincial Municipal Corporations Act, 1949 (hereinafter referred to as "the principal Act"), in section 45,- Bom. LIX of 1949.

- (i) for sub-section (2), the following sub-section shall be substituted, namely:-
“(2) the Corporation may from time to time, with the approval of the State Government, create as many posts of Deputy Municipal Commissioner or Assistant Municipal Commissioner or such other officers as it considers necessary. The State Government may, while granting approval to the Corporation, apportion the number of such posts that may be filled by the

Corporation and the number of such posts that may be filled by the State Government by appointing its officers.”;

(ii) for sub-section (4), the following sub-section shall be substituted, namely:-

“(4) Every appointment made under this section, excepting an appointment of a Municipal Secretary made by the Corporation, or an appointment of a Deputy Municipal Commissioner, an Assistant Municipal Commissioner or such other officers made by the State Government, shall be subject to confirmation by the State Government; and any officer whose appointment the State Government refuses to confirm shall be removed from the office forthwith.”.

(iii) in sub-section (5), for the word, brackets and figure “sub-section (1)”, the words, brackets and figures “sub-section (1) or a vacancy in any office specified in sub-section (2) so far as the appointment is made by the Corporation,” shall be substituted.

**Amendment
of section 53
of Bom. LIX
of 1949.**

3. In the principal Act, in section 53, in sub-section (1), after the words “excepting the Deputy Municipal Commissioner or the Assistant Municipal Commissioner”, the words “or such other officers appointed by the State Government” shall be inserted.



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. LX | THURSDAY, MARCH 7, 2019/ PHALGUNA 16, 1940

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 6th March, 2019 is hereby published for general information.

K. M. LALA,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 4 OF 2019.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 7th March, 2019).

AN ACT

to provide for regulation of conditions of employment and other conditions of service of workers employed in shops and other establishments and for matters connected therewith or incidental thereto.

It is hereby enacted in the Seventieth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Gujarat Shops and Establishments (Regulation of Employment and Conditions of Service) Act, 2019.

(2) It extends to the whole of the State of Gujarat.

Short title,
extent,
application and
commencement.

(3) The provisions of this Act, except section 7, shall apply to the shops and establishments employing ten or more workers; and the provisions of section 7 shall apply to the shops and establishments employing less than ten workers.

(4) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Definitions. 2. In this Act, unless the context otherwise requires,—

(a) "day" means the period of twenty-four hours beginning at midnight;

(b) "employer" means a person owning or having control over the affairs of an establishment, and includes,—

(i) in the case of a firm or association of individuals, a partner or member of the firm or association;

(ii) in the case of a company, a director of the company;

(iii) in the case of an establishment owned or controlled by the Central Government or a State Government or any local authority, the person or persons appointed to manage the affairs of such establishment by the Central Government or the State Government or the local authority, as the case may be;

(c) "establishment" means an establishment which carries on, any business, trade, manufacture or any journalistic or printing work, or business of banking, insurance, stocks and shares, brokerage or exchange or profession or any work in connection with, or incidental or ancillary to, any business, trade or profession or manufacture; and includes, -

(i) establishment of any medical practitioner (including hospital, dispensary, clinic, polyclinic, maternity home and such others), architect, engineer, accountant, tax consultant or any other technical or professional consultant;

- XXI of 1860.** (ii) a society registered under the Societies Registration Act, 1860, and a charitable or other trust, whether registered or not, which carries on, whether for purposes of gain or not, any business, trade or profession or work in connection with or incidental or ancillary thereto;
- (iii) shop, residential hotel, restaurant, eating house, theatre or other place of public amusement or entertainment; to whom the provisions of the Factories Act, 1948 do not apply ;
- LXIII of 1948.** (iv) such other establishment as the State Government may, by notification in the *Official Gazette*, declare to be an establishment for the purposes of this Act;
- (d) “factory” means any premises and the precincts thereof which is a factory within the meaning of clause (m) of section 2 and section 85 of the Factories Act, 1948;
- LXIII of 1948.** (e) “holiday” means a day on which a worker shall be given a weekly off under the provisions of this Act;
- (f) “Inspector” means an Inspector appointed under section 24;
- (g) “leave” means a leave mentioned in Chapter IV of this Act;
- (h) “local authority” means,-
- (i) a Municipal Corporation constituted under the Gujarat Provincial Municipal Corporations Act, 1949;
- Bom. LIX of 1949.** (ii) a Municipality constituted under the Gujarat Municipalities Act, 1963;
- Guj. 34 of 1964.** (iii) a Panchayat constituted under the Gujarat Panchayats Act, 1993;
- Guj. 18 of 1993.** (i) “member of the family of an employer” means the wife, husband, son, daughter, father, mother, brother or sister of an employer who lives with and is dependent on such employer;

- (j) “opened” means opened for the service of any customer, or for any business of the establishment, or for work, by or with the help of any worker of or connected with the establishment;
- (k) “prescribed” means prescribed by rules made under this Act;
- (l) “register of establishments” means a register maintained for the registration of shops and establishments under this Act, either manually or in electronic format;
- (m) “registration certificate” means a certificate of the registration of a shop or establishment;
- (n) “shift” means where work of the same kind is carried out by two or more sets of workers working during different periods of the day, each of such sets is called a group or relay and each of such period is called a shift;
- (o) “shop” means any premises where goods are sold, either by retail or wholesale or where services are rendered to customers, and includes an office, a store-room, godown, warehouse or work place, whether in the same premises or otherwise, mainly used in connection with such trade or business, but does not include a factory;
- (p) “spread-over” means the period between the commencement and the termination of the work of a worker on any day;
- (q) “wages” means all remuneration (whether by way of salary, allowances or otherwise) expressed in terms of money or capable of being so expressed which would, if the terms of employment, expressed or implied, were fulfilled, be payable to a person employed in respect of his employment or of work done in such employment, and includes-
 - (i) any remuneration payable under any award or settlement between the parties or under any order of a court or tribunal;

- (ii) any remuneration to which the person employed is entitled in respect of overtime work or holidays or any leave period;
- (iii) any additional remuneration payable under the terms of employment;
- (iv) any sum which, by reason of the termination of employment of the person employed, is payable under any law, contract or instrument which provides for the payment of such sum, whether with or without deductions;
- (v) any sum to which the person employed is entitled under any scheme framed under any law, for the time being in force; and
- (vi) house rent allowance payable in cash,

but does not include-

- (a) any bonus, which does not form part of the remuneration payable under the terms of employment or which is not payable under any award or settlement between the parties or under any order of a court;
- (b) the value of any accommodation, or of the supply of light, water, medical attendance or other amenity or of any service excluded from the computation of wages by a general or special order of the State Government;
- (c) any contribution paid by the employer to any pension or provident fund, and the interest which may have accrued thereon;
- (d) any travelling allowance or the value of any travelling concession;

- (e) any sum paid to the employed person to defray special expenses entailed to him by the nature of his employment; or
- (f) any gratuity payable on the termination of employment in cases other than those specified in sub-clause (iv);
- (r) “week” means the period of seven days beginning at midnight of Saturday;
- (s) “worker” means any person including a person engaged through an outsourcing agency (except an apprentice under the Apprentices Act, 1961) employed to do any manual, unskilled, skilled, technical, operational or clerical work for hire or reward, whether the terms of employment be express or implied. 52 of 1961.

**Act not to
apply to
certain
persons and
premises.**

- 3. (1)** The provisions of this Act shall not apply to,—
- (a) establishments of the Central or the State Government;
 - (b) establishments of local authorities;
 - (c) offices of Reserve Bank of India;
 - (d) a worker whose work is inherently intermittent;
 - (e) a member of the family of an employer.
- (2) A list of the workers referred to in clauses (d) and (e) shall be displayed at a conspicuous place in the shop or establishment and a copy of thereof shall be sent to the Inspector.

**Application of
the Act to
other
establishments
and workers.**

- 4. (1)** Notwithstanding anything contained in this Act, the State Government may, by notification in the *Official Gazette*, declare any establishment or class of establishments to which, or any worker or person or class of workers or persons to whom, this Act or any of the provisions thereof does not for the time being apply, to be an establishment or class of establishments or a worker or a person or class of workers or persons to which or whom this Act or any provisions thereof with such modifications or adaptations as may in the

opinion of the State Government be necessary shall apply from such date as may be specified in the notification.

(2) On such declaration under sub-section (1), any such establishment or class of establishments or such worker or person or class of workers or persons shall be deemed to be an establishment or class of establishments to which, or to be a worker or a person or class of workers or persons to whom, this Act applies and all or any of the provisions of this Act with such modification or adaptation as may be specified in such declaration, shall apply to such establishment or class of establishments or to such worker or persons or class of workers or persons.

5. The State Government may, by notification in the *Official Gazette*, suspend the operation of all or any of the provisions of this Act for such period and subject to such conditions as it may deem fit on account of any festive or other occasions.

**Suspension
of the
operation of
provisions
of the Act.**

CHAPTER II

REGISTRATION OF SHOPS AND ESTABLISHMENTS

6. (1) Within a period of sixty days from the date of commencement of this Act or the date on which any shop or establishment commences its business, the employer of every shop and establishment shall submit an application in a prescribed form for registration to the concerned Inspector, together with such fees and such self-declaration and self-certified documents as may be prescribed:

**Registration of
shops or
establishments.**

**Bom. LXXIX
of 1948.**

Provided that, nothing contained hereinabove shall apply to the shops and establishments already having valid registration under the Gujarat Shops and Establishments Act, 1948 until the expiry of their registration.

(2) On receipt of the application along with the documents and the fees, the Inspector shall, register the shop or establishment in the register of establishments in such manner as may be prescribed and shall issue, in a prescribed form, a registration certificate to the employer within the prescribed time limit. The registration certificate shall be produced whenever it is demanded by the Inspector.

(3) A registration certificate issued under sub-section (2) shall remain in force from the date of issue till the change in ownership or nature of business takes place. In case of change in ownership or nature of business, the employer of every establishment shall have to obtain the fresh registration certificate.

**Intimation by
establishment
having less
than ten
workers.**

7. (1) Within a period of sixty days from the date of the commencement of this Act or the date on which establishment commences its business, the employer of every establishment employing less than ten workers shall give an intimation of having commenced the business to the Inspector in whose jurisdiction the establishment is located, by submitting online application in the prescribed form together with such self-declaration and self-certified documents, as may be prescribed, containing details such as name of the employer and manager, name of the establishment, nature of business, number of workers and such other details as may be prescribed. The Inspector shall issue to the employer of such establishment, a receipt of intimation in such form and manner as may be prescribed. The details of the intimation receipt shall be recorded online in a register maintained in such form as may be prescribed:

Provided that if at any point of time the number of workers engaged in the establishment become ten or more, then all provisions of this Act shall apply to such establishment and the employer of such establishment shall have to obtain registration as per the provisions of section 6.

Provided that, nothing contained hereinabove shall apply to the shops and establishments already having valid registration under the Gujarat Shops and Establishments Act, 1948 until the expiry of their registration.

**Bom. LXXIX
of 1948.**

(2) The employer of such establishment employing less than ten workers shall inform, in such form and manner as may be prescribed, the Inspector within thirty days from the date of the closing of the business that such establishment has been closed for business. The Inspector on receiving the information shall remove the entry of such establishment from the register of establishments.

8. At any time, if it is found or brought to the notice of the Inspector that the registration of any shop or establishment has been obtained by misrepresentation or suppression of material facts or by submitting false or forged documents or false declaration or by fraud, the Inspector shall, after giving an opportunity of being heard to the employer of the shop or establishment, cancel the registration and remove such shop or establishment from the register of establishments in the manner as may be prescribed.

**Cancellation
of registration
of shop or
establishment.**

9. It shall be the duty of every employer to inform to the Inspector, in the prescribed form, any change in any of the particulars contained in the application submitted under section 6 within such period, after the change has taken place, as the State Government may prescribe. The Inspector shall, on receiving such notice and the prescribed fees along with the self-declaration of the applicant and self-certified documents as may be prescribed, make the change in the register of establishments in accordance with such notice and shall issue a fresh registration certificate.

**Notice of
change in
particulars.**

10. The employer shall inform, in such form and in such manner, as may be prescribed, to the Inspector within thirty days from the date of closing of the business that the shop or establishment has been closed for business. The Inspector on receiving the information and on being satisfied about its correctness shall remove the entry of such shop or establishment from the register of establishments and cancel the registration certificate:

**Notice for
closure of
business.**

Provided that, if the Inspector does not receive the information but he is otherwise satisfied that any shop or establishment has been closed, he may remove the entry of such shop or establishment from the register of establishments and cancel such certificate.

CHAPTER III

DUTIES OF EMPLOYER

**Health
and safety
of worker.**

11. (1) Every employer shall take such measures relating to the health and safety of the worker including cleanliness, lighting, ventilation and prevention of fire as may be prescribed.

(2) Every employer shall be responsible for providing constant adequate supervision of the worker employed in the shop or establishment and to ensure the compliance with the rules relating to health and safety made under sub-section (1) and for taking steps necessary to prevent accidents.

**Fixing of
hours of
work.**

12. Subject to the other provisions of this Act, no worker shall be required or allowed to work in any shop or establishment for more than nine hours in any day and forty-eight hours in a week. No worker shall be compelled to work continuously for more than five hours unless he has been given a break of not less than half an hour:

Provided that, the working hours or weekly holiday may be relaxed in case of work of urgent nature with the previous permission of the Inspector.

**Prohibition of
discrimination
of women.**

13. (1) No woman worker shall be discriminated in the matter of recruitment, training, transfer or promotion or wages.

(2) No woman worker shall be required or allowed to work in any establishment except between the hours of 6 a.m. and 9 p.m.:

Provided that, where the Inspector or any person, authorized by it in this behalf, is satisfied that the provisions of shelter, rest room, night *crèche*, ladies toilet, adequate protection of dignity, honour and safety, protection from sexual harassment, and their transportation from the shop or

establishment to the door step of their residence exists in such shop or establishment, it may, by order, after obtaining the consent of the woman worker, allow her to work between 9 p.m. to 6 a.m. subject to such conditions as may be specified in the order.

14. The spread-over of a worker in any shop or establishment shall not exceed ten and half hours in any day, and in case a worker entrusted with intermittent nature of work or urgent work, the spread-over shall not exceed twelve hours.

**Spread-over
of hours of
work.**

15. Where a worker is required to work in a shop or establishment beyond nine hours a day or forty-eight hours a week, he shall be entitled, in respect of the overtime work, wages at the rate of twice his ordinary rate of wages. The total number of overtime hours shall not exceed one hundred and twenty-five hours in a period of three months.

**Payment of
wages for
overtime.**

16. (1) A department or any section of a department of the shop or establishment may work in more than one shifts at the discretion of the employer and if more than one shifts are worked, the worker may be required to work in any shift at the discretion of the employer.

**Shift
working and
rest.**

(2) A shop or establishment may work on all days in a week subject to the condition that every worker shall be allowed weekly holiday of at least twenty-four consecutive hours of rest.

(3) If a worker is denied weekly holiday, the compensatory leave in *lieu* thereof shall be given within two months of such weekly holiday.

(4) The period and hours of work in a week for all classes of workers in such shift shall be informed to all workers in writing and shall be sent to the Inspector electronically or otherwise.

(5) Where a worker is required to work on a day of his rest, he shall be entitled to wages at the rate of twice his ordinary rate of wages.

**Furnishing
identity card to
worker.**

17. The employer of a shop or an establishment shall furnish to every worker an identity card which shall be produced by the worker on demand by Inspector. Such card shall contain particulars as may be prescribed.

CHAPTER IV

LEAVE WITH PAY AND PAYMENT OF WAGES

**Annual leave,
casual and sick
leave and other
holidays.**

18. (1) Every worker shall be allowed a weekly holiday with wages:

Provided that the State Government may, by notification in the *Official Gazette*, fix different days as weekly holiday for different classes of shops and establishments or areas.

(2) Every worker shall be entitled to seven days casual leave with wages in every calendar year which shall be credited into the account of the worker in the beginning of the calendar year, but it shall lapse if the casual leave remains un-availed at the end of the year.

(3) Every worker shall be entitled to seven days leave on medical grounds with wages in every calendar year which shall be credited into the account of the worker in the beginning of the calendar year, but shall lapse if un-availed at the end of the year.

(4) Every worker who has worked for a period of two hundred and forty days or more in a shop or establishment during a calendar year shall be allowed during the subsequent calendar year, leave with wages for a number of days calculated at the rate of one day for every twenty days of work performed by him during the previous calendar year.

(5) Every worker shall be permitted to accumulate earned leave up to a maximum of sixty-three days.

(6) Where the employer refuses to sanction the leave which is due under sub-section (4) when applied fifteen days in advance, then the worker shall have a right to encash leave in excess of sixty-three days:

Provided that, if a worker is entitled to leave other than casual and festival leave under this section, is discharged by his employer before he has

been allowed the leave, or if, having applied for and having been refused the leave, he quits his employment on account of retirement, resignation, death or permanent disability, the employer shall pay him full wages for the period of leave due to him.

(7) A worker shall be entitled to eight paid festival holidays in a calendar year, namely, the 26th January, 15th August and 2nd October and five such other festival holidays as may be agreed to between the employer and the workers before the commencement of the year. On these days, he shall be paid wages at the rate equivalent to his ordinary rate of wages excluding overtime:

Provided that, the employer may require any worker to work in the shop or establishment on all or any of these days, subject to the conditions that for such work the worker shall be paid double the amount of the ordinary rate of wages and also leave on any other day in *lieu* of the compulsory holiday.

(8) For the purpose of sub-section (4),—

- 20 of 1946. (a) any days of lay-off, by agreement or contract or as permissible under the model standing orders or standing orders certified under provisions of the Industrial Employment (Standing Orders) Act, 1946;
- 53 of 1961. (b) in the case of a woman worker, maternity leave under the provisions of the Maternity Benefits Act, 1961;
- (c) the leave earned in the year prior to that in which the leave is availed; or
- (d) the absence of the worker due to temporary disablement caused by an accident arising out of and in the course of his employment,

shall be deemed to be days on which the worker has worked in the shop or establishment for the purpose of computation of the period of two hundred and forty days or more, but shall not earn leave for these days.

(9) The leave admissible under sub-section (4) shall be exclusive of all holidays whether occurring during or either at the end of the period of leave.

(10) Every worker shall be paid wages for the period of his leave earned under sub-sections (4) and (5) at a rate equivalent to the daily average of his wages for the days on which he actually worked during the preceding three months, exclusive of any earnings in respect of overtime.

CHAPTER V

WELFARE PROVISIONS

Drinking water. 19. Every employer shall make effective arrangements to provide and maintain at suitable points conveniently situated for all workers employed in the shop or establishment, a sufficient supply of wholesome drinking water.

Latrines and urinals. 20. Every employer shall provide sufficient latrine and urinal for men and women as may be prescribed and these shall be so conveniently situated as may be accessible for the workers employed in the shop or establishment:

Provided that, several employers may provide common facilities of latrines and urinals, in case it is not possible to provide such facility individually, in a shop or establishment due to constraint of space or otherwise.

Crèche facility. 21. In every shop or establishment wherein thirty or more women workers are employed, there shall be provided and maintained a suitable room or rooms as *crèche* for the use of children of such workers:

Provided that, if a group of shops or establishments decide to provide a common *crèche* within a radius of one kilometer, then, the same shall be permitted by the Inspector by an order, subject to such conditions as may be specified in the order:

First-aid. 22. Every employer shall provide at the place of work first-aid facilities as may be prescribed.

23. The employer shall provide and maintain in the shop or **Canteen.** establishment, wherein not less than one hundred workers are employed or ordinarily employed to maintain a canteen for the use of its workers:

Provided that, if a group of shops or establishments decide to provide a common canteen, then the same shall be permitted by the Inspector by an order, subject to such conditions as may be specified in the order.

CHAPTER VI

ENFORCEMENT AND INSPECTION

24. (1) Save as otherwise provided in this Act, it shall be the duty of every local authority to enforce, within the area subject to its jurisdiction, the provisions of this Act, subject to the supervision of the State Government. **Provisions for handing over enforcement of Act to authorities.**

(2) For the areas not having jurisdiction of local authority, the State Government shall, by notification in the *Official Gazette*, without the necessity of giving any further notice or reasons, specify the authorities for performing the duties of enforcing the provisions of this Act from a date specified in that notification. From such date, it shall be the duty of such authorities to enforce the provisions of the Act, subject to the supervision of the State Government.

(3) For an area within the jurisdiction of a local authority, the local authority and for other areas, the State Government shall, subject to the provisions of sub-section (4), appoint as many Inspectors for the purpose of carrying out the provisions of this Act.

(4) A local authority or, as the case may be, the State Government may direct that the powers conferred on it by this section shall in such circumstances, and subject to such conditions, if any, as may be specified in the direction, be exercised by authorities referred to in sub-sections (1) and (2) .

**Powers and
duties of
Inspectors.**

25. (1) The State Government may make a scheme for inspection of shops and establishments which may provide for generation of a web based inspection schedule.

(2) Subject to such conditions as may be prescribed, the Inspector may, within the local limits for which he is appointed—

(i) advise the employers and workers and provide them such information as may be considered necessary for complying with the provisions of this Act effectively;

(ii) inspect the shops or establishments in accordance with the scheme for inspection referred to in sub-section (3), and may—

- (a) enter, at all reasonable time and with such assistants, if any, being persons in the service of the Government or of any local authority as he thinks fit, any place which is or which he has reason to believe is a shop or establishment;
- (b) make such examination of the premises and of any prescribed registers, records and notices, and take on the spot or otherwise evidence of any persons as he may deem necessary for carrying out the purposes of this Act;
- (c) examine any person who is found in any premises of the shop or establishment and whom, the Inspector has reasonable cause to believe, is a worker of the shop or establishment;
- (d) require any person to give any information, which is in his possession with respect to the names and addresses of the persons;
- (e) search, seize or take copies of such register, record of wages or notices or portions thereof as he may consider relevant in respect of an offence under this Act and which he has reason to believe has been committed by the employer;

(f) bring to the notice of the State Government defects found during inspection; and

(g) exercise such other powers, as may be prescribed:

Provided that, no person shall be compelled under this section to answer any question or give any evidence tending to incriminate himself.

(3) Any person required to produce any document or to give any information required by Inspector shall be deemed to be legally bound to do so within the meaning of sections 175 and 176 of the Indian Penal Code.

45 of 1860.

(4) The provisions of the Code of Criminal Procedure, 1973 shall, so far as may be, apply to the search or seizure under sub-clause (e) of clause (ii) of sub-section (2) as they apply to the search or seizure made under the authority of a warrant issued under section 94 of the said Code.

2 of 1974.

(5) Every Inspector appointed under section 24 shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

CHAPTER VII RECORDS AND RETURNS

26. (1) Every employer shall maintain the registers and records, in such form and in such manner as may be prescribed.

**Maintenance
of registers
and records.**

(2) The records may be maintained electronically or manually:

Provided that, at the time of inspection by an Inspector, a hard copy of such records, if demanded, shall be submitted duly signed by the employer or his representative.

(3) Every employer and in his absence the manager shall, on demand, produce for inspection of Inspector all registers, records and notices required to be kept under and for the purposes of this Act.

(4) All such registers and records shall be kept in the premises of the shop or establishment to which they relate.

**Annual
returns.**

27. The employer of a shop or establishment shall furnish an annual returns, in such a form and in such manner (including in electronic form), to such authority as may be prescribed.

CHAPTER VIII OFFENCES AND PENALTIES

**Penalty for
non-
registration of
shop or
establishment.**

28. Whoever, found running any establishment without registration in contravention of the provisions of section 6 or rules made thereunder, shall be punishable with penalty of ten thousand rupees which shall include registration fees:

Provided that, on recovery of penalty along with registration fees, the establishment shall be deemed to be registered and the registration certificate shall be issued by the Inspector.

**Penalty for
contravention
of the
provisions of
the Act.**

29. Whoever contravenes the provisions of this Act or the rules made thereunder shall, if no other penalty is elsewhere provided by or under this Act for such contravention, be punishable with fine which may extend to fifty thousand rupees:

Provided that, the total amount of fine shall not exceed two thousand rupees per worker employed.

**Penalty for
contravention
of the
provisions of
the Act
resulting in
accident.**

30. Save as otherwise provided in this Act, where an employer on being held found guilty of contravention of any of the provisions of this Act or any rules made thereunder which has resulted in an accident causing serious bodily injury or death of a worker, he shall, on conviction, be punished with imprisonment which may extend to six months or with fine which shall not be less than twenty-five thousand rupees and which may be extended to fifty thousand rupees, or with both.

31. (1) If the person committing an offence under this Act is a company, the company as well as every person in charge of, and responsible to, the company for the conduct of its business at the time of the commission of the offence shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

**Offences by
companies.**

(2) Notwithstanding anything contained in sub section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable to any neglect on the part of any director, manager, managing agent or any other officer of the company, such director, manager, managing agent or such other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation. – For the purpose of this section, -

- (a) “company” means anybody corporate and includes a firm or other association of individuals; and
- (b) “director” in relation to a firm, means a partner in the firm.

32. (1) Whoever, willfully obstructs an Inspector in exercise of any powers conferred on him by or under this Act or refuses or willfully neglects to afford an Inspector any reasonable facility for making any inspection, examination, inquiry or investigation authorized by or under this Act in relation to an establishments, shall, on conviction, be punished with fine which may extend to fifty thousand rupees.

**Penalty for
obstructions
or refusal to
provide
register, etc.**

(2) Whoever, willfully refuses to produce on the demand of an Inspector any register or other document kept in pursuance of this Act or the rules made thereunder or prevents or attempts to prevent or does anything which he has reason to believe to prevent any person from appearing before, or being examined by, an Inspector acting in pursuance of his duties under this Act,

shall, on conviction, be punished with fine which may extend to fifty thousand rupees:

Provided that, total amount of fine shall not exceed two thousand rupees per worker employed.

**Cognizance
of offences.**

33. (1) No Court shall take cognizance of any offence punishable under this Act and the rules made thereunder unless a complaint in respect thereof is made by the Inspector within three months from the date on which the alleged commission of the offence comes to the knowledge of the Inspector:

Provided that, where the offence consists of disobeying a written order made by the Inspector, complaint thereof may be made within six months from the date on which the offence is alleged to have been committed.

(2) The court of a Metropolitan Magistrate or a Judicial Magistrate of the First Class shall try any offence punishable under this Act or the rules made thereunder.

(3) Notwithstanding anything contained in Code of Criminal Procedure, 1973, a Metropolitan Magistrate or a Judicial Magistrate of the First Class **2 of 1974.** may impose fine and penalties prescribed under this Act.

**Compounding
of offences.**

34. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any offence punishable under this Act, not being an **2 of 1974.** offence punishable with imprisonment only, or with imprisonment and also with fine, may, on an application of the accused person, either before or after the institution of any prosecution, be compounded by such Officer, as the State Government may, by notification in the *Official Gazette*, specify, with fine provided for such offence, in the manner as may be prescribed.

(2) Nothing contained in sub-section (1) shall apply to an offence committed by a person for the second time or thereafter within a period of five years from the date—

(a) of commission of a similar offence which was earlier compounded;

- (b) of commission of a similar offence for which such person was earlier convicted.
- (3) Every officer referred to in sub-section (1) shall exercise the powers to compound an offence, subject to the direction, control and supervision of the State Government.
- (4) Every application for the compounding of an offence shall be made in such form and in such manner as may be prescribed.
- (5) Where any offence is compounded before the institution of any prosecution, no prosecution shall be instituted in relation to such offence, against the offender in relation to whom the offence is so compounded.
- (6) Where the composition of any offence is made after the institution of any prosecution, such composition shall be brought by the officer referred to in sub-section (1) in writing, to the notice of the Court in which the prosecution is pending and on such notice of the composition of the offence being given, the person against whom the offence is so compounded shall be discharged.
- (7) Any person who fails to comply with an order made by the officer referred to in sub-section (1), shall be liable to pay a sum equivalent to twenty percent of the maximum fine provided for the offence, in addition to such fine.
- (8) No offence punishable under the provisions of this Act shall be compounded except under and in accordance with the provisions of this section.

CHAPTER IX MISCELLANEOUS

- 35.** (1) Notwithstanding anything contained in this Act, any shop or establishment if situated,- **Opening and closing hours.**
- (a) (i) in Municipal Corporation Area, or
- (ii) on National Highway, or
- (iii) on Railway Platform, or
- (iv) at State Roadways bus station premises, or
- (v) in Hospital premises, or

(vi) on petrol pumps,

may remain open 24 hours on any day of the week:

Provided that, the worker shall be allowed to work in accordance with the provisions of sections 12, 14, 16 and 18 of this Act;

(b) in Municipality area or on State Highway may be opened except from 2.00 A.M to 6.00 A.M.:

Provided that, the worker shall be allowed to work in accordance with the provisions of sections 12, 14, 16 and 18 of this Act;

(c) in the areas other than the areas mentioned in clauses (a) and (b) above in district or on minor road may be opened except from 11.00 P. M. to 6.00 A.M. :

Provided that, the worker shall be allowed to work in accordance with the provisions of sections 12, 14, 16 and 18 of this Act;

(2) Notwithstanding anything contained in sub-section (1), considering the circumstances relating to traffic, public health, public safety, public nuisance or such other reason which may affect law and order situation, the hours for opening and closing of different classes of shops or establishments and for different premises, shopping complex or mall or for different area or areas and for different period may be curtailed by such authority as the State Government may, by notification in the *Official Gazette*, specify.

**Protection
of rights of
workers
under any
other law,
etc.**

36. Nothing in this Act shall affect any right or privileges which a worker in any shop or establishment is entitled to at the date of commencement of this Act under any other law, contract, custom or usage applicable to such shop or establishment or any award, settlement or agreement binding on the employer and the worker in such shop or establishment, if such rights or privileges are more favourable to him than those to which he would be entitled under this Act.

37. (1) No suit, prosecution or legal proceedings shall lie against any public servant or any other person, acting under the direction of any such public servant, for anything which is in good faith done or intended to be done under this Act or any rule or order made there under.

Protection of action taken in good faith.

(2) No suit, prosecution or legal proceedings shall lie against the Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or any rules or order made there under.

38. The provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other law for the time being in force.

Act not in derogation of any other law.

39. (1) The State Government may, by notification in the *Official Gazette*, make rules to carry out the purposes of this Act.

Power to make rules.

(2) All rules made under this Act shall be subject to the condition of previous publication.

(3) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as may be after they are made and shall be subject to rescission by the State Legislature or to such modifications as the State Legislature may make during the session in which they are so laid or session immediately following. Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette*, and shall thereupon take effect.

40. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, as occasion arises, by an order published in the *Official Gazette*, do anything not inconsistent with the provisions of this Act, which appears to it to be necessary or expedient for the purposes of removing the difficulty:

Power to remove difficulties.

Provided that, no such order shall be made after the expiry of the period of two years from the date of commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before the State Legislature.

**Repeal and
saving.**

41. On and from the date of commencement of this Act, the Gujarat Shops and Establishments Act, 1948 shall stand repealed: **LXXIX of 1948.**

Provided that,

(a) every appointment, order, rule, bye-law, regulation, notification, registration or notice made, issued or given under the provisions of the Act so repealed shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been made, issued or given under the provisions of this Act, unless and until superseded by any appointment, order, rule, bye-law, regulation, notification or notice made, issued or given under this Act;

(b) any proceeding relating to the trial of any offence punishable under the provisions of the Act so repealed shall be continued and completed as if the said Act had not been repealed but had continued in operation and any penalty imposed on such proceedings shall be recovered under the Act so repealed.



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. LX | TUESDAY, MAY 21, 2019/VAISAKHA 31, 1941

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the President on the 25th April, 2019 is hereby published for general information.

K. M. LALA,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 5 OF 2019.

(First published, after having received the assent of the President, in the "Gujarat Government Gazette", on the 21st May, 2019).

AN ACT

further to amend the Gujarat Ownership Flats Act, 1973.

It is hereby enacted in the Sixty-ninth Year of the Republic of India as follows:-

1. This Act may be called the Gujarat Ownership Flats (Amendment) Act, Short title. 2018.

Amendment
of section 26
of Guj.13 of
1973.

2. In the Gujarat Ownership Flats Act, 1973 (hereinafter referred to as "the principal Act"), in section 26, in sub-section (I), in clause (i), for the words "percentage of votes", the words "percentage of not less than 75 per cent. of votes" shall be substituted.

Guj. 13 of
1973.

Amendment
of section 37
of Guj. 13 of
1973.

3. In the principal Act, in section 37, for the words "the association of apartment owners", the words "the association of apartment owners by not less than 75 per cent. of such owners" shall be substituted.

Insertion of
new PART
in Guj. 13 of
1973.

4. In the principal Act, after PART II, the following PART shall be inserted, namely:-

“PART IIA

PROVISIONS OF RE-DEVELOPMENT OF FLATS AND APPARTMENTS

Re-development
of flats and
apartments.

41A. Notwithstanding anything contained in this Act, any work in relation to the re-development of a building can be carried out on such terms and conditions as may be prescribed, after obtaining the consent of not less than 75 per cent. of the flat owners of such building:

Provided that, in respect of such building,-

- (i) a period of twenty- five years must have been completed, from the date of issuance of permission for development by the concerned Authority; or
- (ii) the concerned Authority has declared that such building is in ruinous condition, or likely to fall, or in any way dangerous to any person occupying, resorting to or passing by such structure or any other structure or place in the neighbourhood thereof.

Explanation:- For the purpose of this section, the expression “re-development” shall have the meaning as assigned to it in relevant Development Control Regulations.”.



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. LX | TUESDAY, MAY 21, 2019/VAISAKHA 31, 1941

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the President on the 25th April, 2019 is hereby published for general information.

K. M. LALA,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 6 OF 2019.

(First published, after having received the assent of the President, in the "*Gujarat Government Gazette*", on the 21st May, 2019).

AN ACT

further to amend the Indian Penal Code, 1860 and the Code of Criminal Procedure, 1973, in their application to the State of Gujarat.

It is hereby enacted in the Sixty-ninth Year of the Republic of India as follows:-

1. (1) This Act may be called the Criminal Law (Gujarat Amendment) Act, 2018. Short title, and commencement.
- (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Insertion of
new sections
379A and
379B in
XLV of 1860.

2. In the Indian Penal Code, 1860, after section 379, the following sections shall be inserted, namely:—

Snatching.

“379A. (1) Whoever, with the intention to commit theft, suddenly or quickly or forcibly seizes or secures or grabs or takes away from any person or from his physical possession any moveable property, and makes or attempt to make escape with such property, is said to commit snatching.

(2) Whoever attempts to commit snatching shall be punished with rigorous imprisonment for a term which shall not be less than five years but which may extend to ten years, and with fine which may extend to twenty-five thousand rupees.

(3) Whoever commits snatching shall be punished with rigorous imprisonment for a term which shall not be less than seven years but which may extend to ten years, and with fine which may extend to twenty-five thousand rupees.

(4) Whoever, after committing or attempting to commit snatching, causes hurt or wrongful restraint or fear of hurt, in order to effect his escape shall be punished with rigorous imprisonment for a term which may extend to three years, in addition to the punishment provided for the offence of snatching by the preceding sub-sections.

Snatching after
preparation
made for causing
death, hurt or
restraint in order
to the
committing of
the snatching. —

379B. Whoever commits or attempts to commit snatching, having made preparation for causing death, or hurt, or restraint, or fear of death, or of hurt, or of restraint, to any person, in order to the committing of such snatching, or in order to the retaining of property taken by such snatching, shall be punished with rigorous imprisonment for a term which shall not be less than seven years but which may extend to ten years, and with fine which may extend to twenty-five thousand rupees.”.

2 of 1974. 3. In the Code of Criminal Procedure, 1973, in the First Schedule, in the table, under the heading “Chapter XVII – Offences against Property”, after section 379, the following shall be inserted, namely:—

**Amendment
of First
Schedule to 2
of 1974.**

Sections	Offence	Punishment	Cognizable or Non-cognizable	Bailable or Non-bailable	By what court triable
“379A.	Attempt to commit snatching	Rigorous imprisonment of not less than five years but which may extend to ten years, and fine of 25,000 rupees.	Cognizable	Non-bailable	Court of Session.
	Committing snatching	Rigorous imprisonment of not less than seven years but which may extend to ten years, and fine of 25,000 rupees.	Ditto	Ditto	Ditto.
	Causing hurt or wrongful restraint or fear of hurt, in order to effect escape after attempting to commit or after committing snatching	Rigorous imprisonment which may extend to three years, in addition to punishment under other sub-sections.	Ditto	Ditto	Ditto.
379B.	Snatching, after preparation having been made for causing death, or hurt, or restraint, in order to the committing of such snatching, or to retaining property taken by it.	Rigorous imprisonment of not less than seven years but which may extend to ten years, and fine of 25,000 rupees.	Ditto	Ditto	Ditto.”.



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. LX]

FRIDAY, JULY 12, 2019/ASADHA 21, 1941

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 12th July, 2019 is hereby published for general information.

K. M. LALA,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 7 OF 2019.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 12th July, 2019).

AN ACT

further to amend the Gujarat Prevention of Begging Act, 1959.

It is hereby enacted in the Sixty-ninth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Prevention of Begging (Amendment) Act, 2018.

Short title and commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment of section 9 of Bom. X of 1960. **2.** In the Gujarat Prevention of Begging Act, 1959 (hereinafter referred to as **Bom. X of 1960.** "the principal Act"), in section 9, in sub-section (2), in the proviso, the words "a contagious leper or" shall be deleted.

Amendment of section 26 of Bom. X of 1960. **3.** In the principal Act, in section 26,-
 (1) in sub-section (1),-
 (a) the words "or a leper" occurring at two places shall be deleted;
 (b) the words "or leper asylum" shall be deleted;
 (c) for the words "mental hospital", the words "mental health establishment" shall be substituted;
 (2) in sub-section (2), the words "or is cured of leprosy" shall be deleted;
 (3) for sub-section (3), the following sub-section shall be substituted, namely:-

“(3) The provisions of the Mental Healthcare Act, 2017 shall apply **10 of 2017.**
 to every beggar confined in a mental health establishment under sub-section (1) of this section after the expiration of the period for which he was ordered to be detained; and the time during which a beggar is confined in a mental health establishment under that sub-section shall be reckoned as a part of the period for which he may have been ordered by the Court to be detained:

Provided that where the removal of a beggar due to unsoundness of mind is immediately necessary, it shall be open to the authorities of the Certified Institution in which the beggar is detained to apply to the court having jurisdiction under the Mental Healthcare Act, 2017 for an immediate order of committal to a **10 of 2017.**
 mental health establishment until such time as the orders of the State Government can be obtained in the matter.”.

(4) in the marginal note, the words "leprosy patients and" shall be deleted.



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. LX]

TUESDAY JULY 23, 2019/SRAVANA 1, 1941

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 20th July, 2019 is hereby published for general information.

K. M. LALA,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 8 OF 2019.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 23rd July, 2019).

AN ACT

further to amend the Gujarat Land Revenue Code, 1879.

It is hereby enacted in the Seventieth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Land Revenue (Amendment) Act, 2019.

Short title and commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Substitution
of section 67A
of Bom. V of
1879.

2. In the Gujarat Land Revenue Code, 1879, for section 67A, the following section shall be substituted, namely:-

Bom. V of
1879.

Payment of
conversion tax
by occupant for
change of use of
land in certain
areas.

“67A. where any land assessed or held for the purpose of agriculture or non-agriculture is permitted or deemed to have been permitted under section 65, 65A or 65B to be used for any other non-agricultural purpose, the occupant of such land shall be liable to pay to the State Government, a conversion tax at such rate as specified by notification in the *Official Gazette* which shall be payable by the occupant to such authority, in such manner and at such time as may be prescribed.”.



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. LX]

THURSDAY AUGUST 1, 2019/SRAVANA 10, 1941

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 31st July, 2019 is hereby published for general information.

K. M. LALA,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 9 OF 2019.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 1st August, 2019).

AN ACT

to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Gujarat for the services of the financial year ending on the thirty-first day of March, 2020.

It is hereby enacted in the Seventieth Year of the Republic of India as follows:-

1. This Act may be called the Gujarat Appropriation Act, 2019.

Short title.

**Withdrawal of
₹14,05,59,61,41,000/-
from and out of the
Consolidated Fund of
the State of Gujarat
for the financial year
2019-20.**

2. From and out of the Consolidated Fund of the State of Gujarat, there may be withdrawn sums not exceeding those specified in column 4 of the Schedule hereto annexed amounting in the aggregate to the sum of one lakh forty thousand five hundred fifty-nine crores sixty-one lakh forty-one thousand rupees towards defraying the several charges which will come in course of payment during the financial year 2019-20 in respect of the services and purposes specified in column 2 of the Schedule.

Appropriation.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Gujarat by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

SCHEDULE

(See Sections 2 and 3)

Demand No. of Vote/ Appropriation	Services and Purposes	Revenue/ Capital	Sums not exceeding		
			Voted expenditure	Charged expenditure	Total
			₹	₹	₹
1	2	3	4		
1	Agriculture and Co-operation Department	REVENUE	118711000	0	118711000
2	Agriculture	REVENUE	21685663000	0	21685663000
		CAPITAL	666667000	0	666667000
3	Minor Irrigation, Soil Conservation and Area Development.	REVENUE	1048839000	0	1048839000
		CAPITAL	614302000	0	614302000
4	Animal Husbandry	REVENUE	5324201000	0	5324201000
5	Co-operation	REVENUE	11167490000	0	11167490000
		CAPITAL	388468000	0	388468000
6	Fisheries	REVENUE	2389769000	0	2389769000
		CAPITAL	1800000000	0	1800000000
7	Other expenditure pertaining to Agriculture and Co-operation Department.	CAPITAL	1067000	0	1067000
8	Education Department	REVENUE	73115000	0	73115000
9	Education	REVENUE	180562300000	1655067000	182217367000
		CAPITAL	4065519000	0	4065519000
10	Other expenditure pertaining to Education Department	REVENUE	10400000	0	10400000
		CAPITAL	306667000	0	306667000
11	Energy and Petro-Chemicals Department	REVENUE	57199000	0	57199000

Demand No. of Vote/ Appropriation	Services and Purposes	Revenue/ Capital	Sums not exceeding		
			Voted expenditure	Charged expenditure	Total
			₹	₹	₹
1	2	3	4		
12	Tax collection charges (Energy and Petro-Chemicals Department)	REVENUE	164167000	0	164167000
13	Power Projects	REVENUE	63518174000	0	63518174000
		CAPITAL	23831001000	0	23831001000
14	Other Expenditure pertaining To Energy and Petro-Chemicals Department	REVENUE	6667000	0	6667000
		CAPITAL	334400000	0	334400000
15	Finance Department	REVENUE	145568000	0	145568000
16	Tax Collection Charges (Finance Department)	REVENUE	2156477000	0	2156477000
17	Treasury and Accounts Administration	REVENUE	1292389000	0	1292389000
18	Pension and other Retirement Benefits	REVENUE	78140484000	66667000	78207151000
19	Other expenditure pertaining to Finance Department	REVENUE	58472638000	0	58472638000
		CAPITAL	2333000	1000	2334000
20	Repayment of Debt pertaining to Finance Department and its Servicing	REVENUE	0	136301667000	136301667000
		CAPITAL	0	110606289000	110606289000
21	Food, Civil Supplies and Consumer Affairs Department.	REVENUE	304111000	0	304111000
22	Civil Supplies	REVENUE	4450802000	0	4450802000
23	Food	REVENUE	403019000	0	403019000
		CAPITAL	602263000	0	602263000
24	Other Expenditure Pertaining to Food, Civil Supplies and Consumer Affairs Department	CAPITAL	1000	0	1000
25	Forests and Environment Department	REVENUE	79199000	0	79199000
26	Forests	REVENUE	4203075000	8143000	4211218000
		CAPITAL	3017660000	0	3017660000
27	Environment	REVENUE	274711000	0	274711000
28	Other expenditure pertaining to Forest and Environment Department.	CAPITAL	1483000	0	1483000

Demand No. of Vote/ Appropriation	Services and Purposes	Revenue/ Capital	Sums not exceeding		
			Voted expenditure	Charged expenditure	Total
			₹	₹	₹
1	2	3	4		
29	Governor	REVENUE	0	54094000	54094000
30	Council of Ministers	REVENUE	27353000	0	27353000
31	Elections	REVENUE	93973000	0	93973000
		CAPITAL	0	0	0
32	Public Service Commission	REVENUE	106291000	215802000	322093000
33	General Administration Department	REVENUE	772049000	0	772049000
34	Economic Advice and Statistics	REVENUE	239768000	0	239768000
35	Other expenditure pertaining to General Administration Department	REVENUE	175874000	2175000	178049000
		CAPITAL	7083466000	0	7083466000
36	State Legislature	REVENUE	309530000	3473000	313003000
37	Loans and Advances to Government Servants in Gujarat Legislature Secretariat	CAPITAL	1933000	0	1933000
38	Health and Family Welfare Department	REVENUE	94252000	0	94252000
39	Medical and Public Health	REVENUE	39316368000	0	39316368000
		CAPITAL	8869709000	0	8869709000
40	Family Welfare	REVENUE	14098148000	0	14098148000
		CAPITAL	34033000	0	34033000
41	Other expenditure pertaining to Health and Family Welfare Department	REVENUE	0	1809000	1809000
		CAPITAL	1000000	0	1000000
42	Home Department	REVENUE	125588000	0	125588000
43	Police	REVENUE	34248270000	0	34248270000
44	Jails	REVENUE	1394872000	0	1394872000
45	State Excise	REVENUE	131891000	0	131891000
46	Other expenditure pertaining to Home Department.	REVENUE	3762685000	4001000	3766686000
		CAPITAL	7253796000	0	7253796000
47	Industries and Mines Department.	REVENUE	238931000	0	238931000
48	Stationery and Printing	REVENUE	485409000	0	485409000
		CAPITAL	69000000	0	69000000
49	Industries	REVENUE	28508957000	0	28508957000
		CAPITAL	5855478000	0	5855478000
50	Mines and Minerals	REVENUE	1495527000	0	1495527000
		CAPITAL	80567000	0	80567000

Demand No. of Vote/ Appropriation	Services and Purposes	Revenue/ Capital	Sums not exceeding		
			Voted expenditure	Charged expenditure	Total
			₹	₹	₹
1	2	3	4		
51	Tourism	REVENUE	848693000	0	848693000
		CAPITAL	3298667000	0	3298667000
52	Other Expenditure pertaining to Industries and Mines Department	REVENUE	712153000	0	712153000
		CAPITAL	3094367000	0	3094367000
53	Information and Broadcasting Department	REVENUE	13007000	0	13007000
54	Information and Publicity	REVENUE	887241000	0	887241000
55	Other Expenditure pertaining to Information and Broadcasting Department	REVENUE	77825000	0	77825000
		CAPITAL	1000000	0	1000000
56	Labour and Employment Department	REVENUE	185393000	0	185393000
57	Labour and Employment	REVENUE	6982143000	0	6982143000
		CAPITAL	255500000	0	255500000
58	Other Expenditure Pertaining to Labour and Employment Department	CAPITAL	113000	0	113000
59	Legal Department	REVENUE	86873000	0	86873000
60	Administration of Justice	REVENUE	6387534000	977357000	7364891000
61	Other Expenditure pertaining to Legal Department	REVENUE	634604000	0	634604000
		CAPITAL	3467000	0	3467000
62	Legislative and Parliamentary Affairs Department	REVENUE	55738000	0	55738000
63	Other Expenditure pertaining to Legislative and Parliamentary Affairs Department	CAPITAL	1000	0	1000
64	Narmada, Water Resources, Water Supply and Kalpsar Department	REVENUE	128446000	0	128446000
65	Narmada Development Scheme	CAPITAL	29500000000	0	29500000000

Demand No. of Vote/ Appropriation	Services and Purposes	Revenue/ Capital	Sums not exceeding		
			Voted expenditure	Charged expenditure	Total
			₹	₹	₹
1	2	3	4		
66	Irrigation and Soil Conservation	REVENUE	8850680000	18856000	8869536000
		CAPITAL	28929974000	267450000	29197424000
67	Water Supply	REVENUE	1426000000	0	1426000000
		CAPITAL	19520033000	0	19520033000
68	Other expenditure pertaining to Narmada, Water Resources, Water Supply and Kalpsar Department.	REVENUE	0	1333333000	1333333000
		CAPITAL	1067000	0	1067000
69	Panchayats, Rural Housing and Rural Development Department	REVENUE	63058000	0	63058000
70	Community Development	REVENUE	19926955000	0	19926955000
71	Rural Housing and Rural Development	REVENUE	17879352000	2673067000	20552419000
		CAPITAL	16248000	0	16248000
72	Compensation and Assignments	REVENUE	916979000	0	916979000
73	Other Expenditure pertaining to Panchayats, Rural Housing and Rural Development Department	REVENUE	5267947000	0	5267947000
		CAPITAL	14667000	0	14667000
74	Transport	REVENUE	3617812000	0	3617812000
		CAPITAL	6264020000	0	6264020000
75	Other expenditure pertaining to Ports and Transport Department	REVENUE	402152000	0	402152000
		CAPITAL	36068000	0	36068000
76	Revenue Department	REVENUE	298714000	0	298714000
77	Tax collection charges(Revenue Department)	REVENUE	2253823000	67000	2253890000
78	District Administration	REVENUE	3744471000	0	3744471000
79	Relief on account Natural Calamities	REVENUE	12195270000	0	12195270000
		CAPITAL	500000000	0	500000000
80	Dang District	REVENUE	370435000	0	370435000
81	Compensation and Assignment	REVENUE	2007069000	467000	2007536000
		CAPITAL	200000	2633000	2833000
82	Other expenditure pertaining to Revenue Department	REVENUE	12432000	0	12432000
		CAPITAL	1740000	0	1740000

Demand No. of Vote/ Appropriation	Services and Purposes	Revenue/ Capital	Sums not exceeding		
			Voted expenditure	Charged expenditure	Total
			₹	₹	₹
1	2	3	4		
83	Roads and Building Department	REVENUE	162091000	0	162091000
84	Non-Residential Buildings-(Contd.)	REVENUE	4642815000	8467000	4651282000
		CAPITAL	9736581000	0	9736581000
85	Residential Buildings	REVENUE	1347855000	500000	1348355000
		CAPITAL	2185602000	0	2185602000
86	Roads and Bridges	REVENUE	22809965000	31333000	22841298000
		CAPITAL	25087399000	70000000	25157399000
87	Gujarat Capital Construction Scheme	REVENUE	109169000	0	109169000
		CAPITAL	2271067000	600000	2271667000
88	Other expenditures pertaining to Roads and Buildings Department (Contd.)	REVENUE	217584000	133333000	350917000
		CAPITAL	24833000	252486000	277319000
89	Science and Technology Department	REVENUE	1952315000	0	1952315000
90	Other Expenditure pertaining to Science and Technology Department	REVENUE	1483300000	0	1483300000
		CAPITAL	-2230000	0	-2230000
91	Social Justice and Empowerment Department	REVENUE	78107000	0	78107000
92	Social security and welfare	REVENUE	13797132000	16000000	13813132000
		CAPITAL	4135427000	0	4135427000
93	Welfare of Scheduled Tribes	REVENUE	3774141000	0	3774141000
		CAPITAL	287619000	0	287619000
94	Other Expenditure pertaining to Social Justice and Empowerment Department	CAPITAL	1067000	0	1067000
95	Scheduled Castes Sub-Plan	REVENUE	31109759000	0	31109759000
		CAPITAL	6188651000	0	6188651000
96	Tribal Area Sub- Plan	REVENUE	59058440000	33333000	59091773000
		CAPITAL	39844641000	6667000	39851308000
97	Sports, Youth and Cultural Activities Department	REVENUE	47665000	0	47665000
98	Youth services and Cultural Activities	REVENUE	2907488000	0	2907488000
		CAPITAL	323324000	0	323324000
99	Other expenditure pertaining to Sports, Youth and Cultural Activities Department	CAPITAL	1401000	0	1401000

Demand No. of Vote/ Appropriation	Services and Purposes	Revenue/ Capital	Sums not exceeding		
			Voted expenditure	Charged expenditure	Total
			₹	₹	₹
1	2	3	4		
100	Urban Development and Urban Housing Department	REVENUE	39965000	0	39965000
101	Urban Housing	REVENUE	6632935000	1240149000	7873084000
102	Urban Development	REVENUE	63786452000	0	63786452000
		CAPITAL	3281767000	0	3281767000
103	Compensation, Assignment and Tax Collection Charges	REVENUE	1154667000	200000000	1354667000
104	Other Expenditure Pertaining to Urban Development and Urban Housing Department	REVENUE	3211000	0	3211000
		CAPITAL	67000	0	67000
105	Women and Child Development Department	REVENUE	72443000	0	72443000
106	Other Expenditure pertaining to Women and Child Development Department	REVENUE	16141355000	5667000	16147022000
		CAPITAL	351759000	0	351759000
107	Climate Change Department	REVENUE	7852000	0	7852000
108	Other Expenditure Pertaining to Climate Change Department	REVENUE	10123861000	0	10123861000
	Total	REVENUE	899368270000	144984826000	1044353096000
	Total	CAPITAL	250036919000	111206126000	361243045000
	Grand Total		1149405189000	256190952000	1405596141000



સત્યમેવ જયતે

The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. LX | THURSDAY AUGUST 1, 2019/SRAVANA 10, 1941

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 1st August, 2019 is hereby published for general information.

K. M. LALA,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 10 OF 2019.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 1st August, 2019).

AN ACT

further to amend the Gujarat Electricity Duty Act, 1958.

It is hereby enacted in the Seventieth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Electricity Duty (Amendment) Act, 2019. Short title and commencement.
- (2) It shall come into force on the 1st August, 2019.

Amendment of
Schedule II to
Bom. XL of
1958.

2. In the Gujarat Electricity Duty Act, 1958, in Schedule II, in Part-I, in item (4), in column 2, for the figures and words "55 paise per unit", the figures and words "60 paise per unit" shall be substituted.

Bom. XL of
1958.



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. LX]

FRIDAY AUGUST 2, 2019/SRAVANA 11, 1941

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the President on the 18th July, 2019 is hereby published for general information.

K. M. LALA,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 11 OF 2019.

(First published, after having received the assent of the President, in the "*Gujarat Government Gazette*", on the 2nd August, 2019).

AN ACT

further to amend the Gujarat Housing Board Act, 1961.

It is hereby enacted in the Seventieth Year of the Republic of India as follows:-

1. This Act may be called the Gujarat Housing Board (Amendment) Act, 2019. **Short title.**

Insertion of new Chapter in Guj. 28 of 1961. 2. In the Gujarat Housing Board Act, 1961, after Chapter VI, the following Chapter shall be inserted, namely:- **Guj. 28 of 1961.**

**“CHAPTER VI-A
RE-DEVELOPMENT OF BUILDINGS OR APARTMENTS**

**Re-
development
of buildings or
apartments.**

60A.(1) Notwithstanding anything contained in this Act, any work in relation to the re-development of a buildings or apartments may be carried out by the Board, on such terms and conditions as may be prescribed, after obtaining the consent of not less than 75 per cent. of the owners or occupiers of such building:

Provided that, in respect of such building,-

- (i) a period of twenty-five years must have been completed, from the date of issuance of permission for development by the concerned Authority, or
- (ii) the concerned Authority has declared that such building is in ruinous condition, or likely to fall, or in any way dangerous to any person occupying, resorting to or passing by such structure or any other structure or place in the neighbourhood thereof.

Explanation.-For the purpose of this section, the expression “re-development” shall have the meaning as assigned to it in the Comprehensive General Development Control Regulations, 2017.

(2) It shall be obligatory for all the owners or occupiers to vacate the existing premises for the purpose of re-development whenever the Board decides to take up the procedure for re-development of building after following due procedure of sub-section (1):

Provided that if any owner or occupier does not vacate the premises, the Board shall cause to be served one month notice to the said owner or occupier for vacating the existing premises:

Provided further that the Board or, as the case may be, the individual agency shall have to provide alternate accommodation or rent in *lieu* of

alternate accommodation to the owners or occupiers for the period of re-development.

(3) In case of failure to vacate the existing premises as provided in sub-section (2) above, the owners or occupiers shall be treated as unauthorized occupant on the land of the Board. The competent authority shall effect summary eviction of such owner or occupier in accordance with the provisions laid down in sub-section (3) of section 56 of the Gujarat Housing Board Act, 1961, as far as practicable.” **Guj. 28 of 1961.**



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

Vol. LX]

SATURDAY AUGUST 3, 2019/SRAVANA 12, 1941

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV

**Acts of Gujarat Legislature and Ordinances promulgated and Regulations
made by the Governor.**

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 2nd August, 2019 is hereby published for general information.

K. M. LALA,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 12 OF 2019.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 3rd August, 2019).

AN ACT

further to amend the Gujarat Stamp Act, 1958.

It is hereby enacted in the Seventieth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Stamp (Amendment) Act, 2019.
- (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

**Short title and
commencement.**

**Amendment of
Schedule I to
Bom. LX of
1958.**

2. In the Gujarat Stamp Act, 1958, in Schedule I,-

**Bom. LX of
1958.**

- (i) in article 2, for the words “One hundred rupees”, the words “Three hundred rupees” shall be substituted;
- (ii) in article 3, for the words “One hundred rupees”, the words “Two hundred rupees” shall be substituted;
- (iii) in article 4, for the words “Twenty rupees”, the words “Fifty rupees” shall be substituted;
- (iv) in article 5, in clause (h), for the words “One hundred rupees”, the words “Three hundred rupees” shall be substituted;
- (v) in article 9, in clauses (a) and (b), for the words “One hundred rupees”, occurring at two places, the words “Three hundred rupees” shall be substituted, respectively;
- (vi) in article 10, for the words “One hundred rupees”, the words “Three hundred rupees” shall be substituted;
- (vii) in article 11, for the words “One hundred rupees”, the words “Three hundred rupees” shall be substituted;
- (viii) in article 13, for the words “One hundred rupees”, the words “Three hundred rupees” shall be substituted;
- (ix) in article 16, for the words “One hundred rupees”, the words “Three hundred rupees” shall be substituted;
- (x) in article 19, for the words “One hundred rupees”, the words “Three hundred rupees” shall be substituted;
- (xi) in article 21, for the words “One hundred rupees”, the words “Three hundred rupees” shall be substituted;
- (xii) in article 22, for the words “One hundred rupees”, the words “Three hundred rupees” shall be substituted;
- (xiii) in article 23, for the words “One hundred rupees”, the words “Three hundred rupees” shall be substituted;

- (xiv) in article 25, for the words “One hundred rupees”, the words “Three hundred rupees” shall be substituted;
- (xv) in article 29, for the words “One hundred rupees”, the words “Three hundred rupees” shall be substituted;
- (xvi) in article 32, for the words “One hundred rupees”, the words “Three hundred rupees” shall be substituted;
- (xvii) in article 33, for the words “One hundred rupees”, the words “Three hundred rupees” shall be substituted;
- (xviii) in article 34, for the words “One hundred rupees”, the words “Two hundred rupees” shall be substituted;
- (xix) in article 35, in clause (a), for the words “One hundred rupees”, the words “Three hundred rupees” shall be substituted;
- (xx) in article 38, for the words “Twenty rupees”, the words “Fifty rupees” shall be substituted;
- (xxi) in article 39, in clause (g), for the words “One hundred rupees”, the words “Three hundred rupees” shall be substituted;
- (xxii) in article 41, for the words “One hundred rupees”, the words “Three hundred rupees” shall be substituted;
- (xxiii) in article 44,-
 - (a) in clause (2), in sub-clause (b), for the words “One hundred rupees”, the words “Two hundred rupees” shall be substituted,
 - (b) in clause (3), in sub-clause (b), for the words “One hundred rupees”, the words “Two hundred rupees” shall be substituted;
- (xxiv) in article 45,-
 - (a) in clauses (a),(b),(c),(d) and (e), for the words “One hundred rupees”, the words “Three hundred rupees” shall be substituted,
 - (b) in clause (f), in item (ii), in sub-item (a), for the words “One hundred rupees”, the words “Three hundred rupees” shall be substituted;

- (c) in clause (h), for the words “One hundred rupees”, the words “Three hundred rupees” shall be substituted;
- (xxv) in article 46, for the words “One hundred rupees”, the words “Three hundred rupees” shall be substituted;
- (xxvi) in article 47, for the words “One hundred rupees”, the words “Three hundred rupees” shall be substituted;
- (xxvii) in article 48, for the words “One hundred rupees”, the words “Three hundred rupees” shall be substituted;
- (xxviii) in article 48-A, in clause (a), for the words “One hundred rupees”, the words “Three hundred rupees” shall be substituted;
- (xxix) in article 49, in clause (a), for the words “One hundred rupees”, the words “Two hundred rupees” shall be substituted;
- (xxx) in article 51, for the words “One hundred rupees”, the words “Three hundred rupees” shall be substituted;
- (xxxi) in article 55, for the words “One hundred rupees”, the words “Three hundred rupees” shall be substituted;
- (xxxii) in article 56, in clauses (b),(c) and (d) for the words “One hundred rupees”, the words “Three hundred rupees” shall be substituted;
- (xxxiii) in article 58, in clauses (a) and (b) for the words “One hundred rupees”, the words “Three hundred rupees” shall be substituted.
-



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. LX]

SATURDAY AUGUST 3, 2019/SRAVANA 12, 1941

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 2nd August, 2019 is hereby published for general information.

K. M. LALA,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 13 OF 2019.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 3rd August, 2019).

AN ACT

further to amend the Gujarat Co-operative Societies Act, 1961.

It is hereby enacted in the Seventieth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Co-operative Societies (Amendment) Act, 2019.

Short title and
commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment of
section 74C of
Guj. X of 1962.

2. In the Gujarat Co-operative Societies Act, 1961, in section 74C, in sub-section (1), *clause* (v) shall be deleted.

Guj. X of 1962.



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. LX]

MONDAY AUGUST 19, 2019/ SRAVANA 28, 1941

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 13th August, 2019 is hereby published for general information.

K. M. LALA,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 14 OF 2019.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 19th August, 2019).

AN ACT

further to amend the Gujarat Metropolitan Planning Committees Act, 2008, the Gujarat District Planning Committees Act, 2008 and the Gujarat Town Planning and Urban Development Act, 1976 to make effective provisions for the planning in the areas under the jurisdiction of Metropolitan Planning Committee and the District Planning Committee in different areas in the State of Gujarat and for matters connected therewith or incidental thereto.

WHEREAS it is expedient to make effective provisions to achieve planned development with respect to economic development and social justice, and for the implementation of development schemes in different areas in the State of Gujarat;

It is hereby enacted in the Seventieth Year of the Republic of India as follows: -

Short title and commencement.

1. (1) This Act may be called the Gujarat Local Authorities and Town Planning Laws (Amendment) Act, 2019.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment of section 9 of President's Act, No. 27 of 1976.

2. In the Gujarat Town Planning and Urban Development Act 1976, (hereinafter referred to as "the President's Act"), in section 9, to sub-section (1), the following proviso shall be inserted, namely: -

**President's Act
No. 27 of 1976.**

"Provided that, the development plan shall include the proposals, with regard to spatial planning, of the development plan sanctioned under the Gujarat Metropolitan Planning Committees Act, 2008 or the Gujarat District Planning Committees Act, 2008, as the case may be."

**Guj. 18 of 2008.
Guj. 11 of 2008.**

Amendment of section 12 of President's Act, No. 27 of 1976.

3. In the President's Act, in section 12, in sub-section (1), the words and figures "which would be in conformity with the development plan under the provisions of the Gujarat Metropolitan Planning Committees Act, 2008" shall be deleted.

Guj. 18 of 2008.

Insertion of new section 19A in President's Act, No.27 of 1976.

4. In the President's Act, after section 19, the following section shall be inserted, namely: -

Inclusion of proposal regarding spatial planning in the development plan.

"19A. After the date specified in sub-section (2) of section 10A of the Gujarat District Planning Committees Act, 2008 or sub-section (2) of section 10A of the Gujarat Metropolitan Planning Committees Act, 2008, as the case may be, the appropriate authority shall include in the development plan to be under this Act, the proposals with regard to spatial planning, of the development plan to which sanction is accorded under clause (a) of sub-section (1) of section 10A of the Gujarat District Planning Committees Act, 2008 or clause (a) of sub-section (1) of section 10A of the Gujarat Metropolitan Planning Committees Act, 2008, as the case may be, by varying the development plan under section 19, as the appropriate authority may consider proper."

Guj. 11 of 2008.

Guj. 18 of 2008.

Guj. 11 of 2008.

Guj. 18 of 2008.

- Guj. 11 of 2008.** **5.** In the Gujarat District Planning Committees Act, 2008 (hereinafter referred to as “the DPC Act”), in section 1, in sub-section (2), for the words and figures “the Bombay Provincial Municipal Corporations Act, 1949”, the words and figures “the Gujarat Metropolitan Planning Committees Act, 2008” shall be substituted. **Amendment of section 1 of Guj. 11 of 2008.**
- Bom. LIX of 1949.** **6.** In the DPC Act, in section 2, before clause (a), the following clause shall be inserted, namely: - **Amendment of section 2 of Guj. 11 of 2008.**
- Guj. 18 of 2008.** “(a-1) “appropriate authority” means an authority as defined under clause (iii) of section 2 of the Gujarat Town Planning and Urban Development Act 1976;”.
- President’s Act No. 27 of 1976.** **7.** In the DPC Act, after section 10, the following sections shall be inserted, namely, - **Insertion of new sections 10A to 10C in Guj. 11 of 2008.**
- Inclusion of proposals in development plan.** **“10A.** (1) The State Government may, on receipt of the draft development plan submitted by the District Planning Committee or the authorized officer, as the case may be, by notification in the *Official Gazette*, either -
- (a) sanction or refuse to sanction the draft development plan so received for the whole of the area covered by the plan or separately for any part thereof, either without modification, or subject to such modification, as it may consider proper; or
- (b) return the draft development plan to the district planning committee or the authorized officer, as the case may be, for modifying the plan as it may direct.
- (2) The sanction accorded under clause (a), shall be called the final development plan which shall come into force on such date as the State Government may, by notification in the *Official Gazette*, specify.
- (3) A final development plan which has come into force shall be binding on the concerned all authorities functioning in the district.
- Variation of final development plan.** **10B.** (1) If on a proposal received from a District Planning Committee in that behalf or otherwise, the State Government is of opinion that it is necessary in the public interest to make any variation in the final development plan (hereinafter referred to as “the variation”), it shall publish in the *Official Gazette*, the variation proposed in the final development plan,

alongwith a notice, inviting objections or suggestions from any person with respect to the variation within a period of two months from the date of publication of the variation.

- (2) After considering the objections or suggestions, if any, received under sub-section (1) within the period specified therein and after consulting the district planning committee in a case where the variation is not proposed by that district planning committee, the State Government may, by notification in the *Official Gazette*, sanction the variation with or without modifications, as it may consider fit to do and such variation shall come into force on such date as may be specified in the notification.
- (3) From the date of coming into force of the variation, the provisions of this Act shall apply to such variation, as they apply to a final development plan.

Directions by State Government.

10C. (1) Every District Planning Committee shall carry out such directions or control by instructions as may be issued from time to time by the State Government for the efficient administration of this Act.

(2) If in, or in connection with, the exercise of its powers and discharge of its functions by any District Planning Committee under this Act any dispute arises between the District Planning Committee and the State Government or any other authority, the decision of the State Government on such disputes shall be final.

(3) Notwithstanding anything contained in this Act or any other law for the time being in force, the State Government may appoint any officer, who shall, -

(a) assist the District Planning Committee in the preparation of the development plan under the Act;

(b) maintain the records of the committee, prepare the records of the discussions and communication of decisions and all other incidental, ancillary matters.”.

Amendment of section 2 of Guj. 18 of 2008.

8. In the Gujarat Metropolitan Planning Committees Act, 2008 (hereinafter referred to as “the MPC Act”), in section 2, before clause (a), the following clause shall be inserted, namely:-

Guj. 18 of 2008.

President’s Act No. 27 of 1976.

“(a-1) “appropriate authority” means an authority defined under clause (iii) of section 2 of the Gujarat Town Planning and Urban Development Act 1976;”.

9. In the MPC Act, after section 10, the following sections shall be inserted, namely, -

Insertion of new sections 10A to 10C in Guj. 18 of 2008.

Inclusion of proposals in development plan. “10A. (1) The State Government may, on receipt of the draft development plan submitted by the Metropolitan Planning Committee, by notification in the *Official Gazette*, either -

(a) sanction or refuse to sanction the draft development plan so received for the whole of the area covered by the plan or separately for any part thereof, either without modification, or subject to such modification, as it may consider proper; or

(b) return the draft development plan to the metropolitan planning committee or the authorized officer, as the case may be, for modifying the plan as it may direct.

(2) The sanction accorded under clause (a) of sub section (1), shall be called the final development plan which shall come into force on such date as the State Government may, by notification.in the *Official Gazette*, specify.

(3) A final development plan which has come into force shall be binding on the concerned all authorities functioning in the metropolitan area.

Variation of final development plan.

10B. (1). If on a proposal received from a Metropolitan Planning Committee in that behalf or otherwise, the State Government is of opinion that, it is necessary in the public interest to make any variation in the final development plan (hereinafter referred to as “the variation”), it shall publish in the *Official Gazette*, the variation proposed in the final development plan, along with a notice, inviting objections or suggestions from any person with respect to the variation within a period of two months from the date of publication of the variation.

(2) After considering the objections or suggestions, if any, received under sub-section (1) within the period specified therein and after consulting the metropolitan planning committee in a case where the variation is not proposed by that district planning committee, the State Government may, by notification in the *Official Gazette*, sanction the variation with or without modifications, as it may consider fit to do and such variation shall come into force on such date as may be specified in the notification.

(3) From the date of coming into force of the variation, the

provisions of this Act shall apply to such variation, as they apply to a final development plan.

**Direction by State
Government.**

10C. (1) Every Metropolitan Planning Committee shall carry out such directions or control by instructions as may be issued from time to time by the State Government for the efficient administration of this Act.

(2) If in, or in connection with, the exercise of its powers and discharge of its functions by any Metropolitan Planning Committee under this Act any dispute arises between the Metropolitan Planning Committee and the State Government or any other authority, the decision of the State Government on such disputes shall be final.

(3) Notwithstanding anything contained in this Act or any other law for the time being in force, the state government may appoint any officer, who shall, -

- (a) assist the metropolitan planning committee in the preparation of the development plan under the Act;
- (b) maintain the records of the committee, prepare the records, of the discussions and communication of decisions and all other incidental, ancillary matters.



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. LX]

MONDAY AUGUST 19, 2019/ SRAVANA 28, 1941

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations
made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 13th August, 2019 is hereby published for general information.

K. M. LALA,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 15 OF 2019.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 19th August, 2019).

AN ACT

further to amend the Gujarat Irrigation and Drainage Act, 2013.

It is hereby enacted in the Seventieth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Irrigation and Drainage (Amendment) Act, 2019.
- (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Short title and
commencement.

Substitution
of section 37
of Guj. 6 of
2013.

2. In the Gujarat Irrigation and Drainage Act, 2013 (hereinafter referred to as “the principal Act”), for section 37, the following section shall be substituted, namely:-

Guj. 6 of 2013.

Penalty for
damaging
canal etc.

“37. (1) Whoever voluntarily or without proper authority,-

(i) passes or causes animals in canal shall be punished with imprisonment for a term which may extend to three months or with fine up to ten thousand rupees or with both;

(ii) causes or knowingly and willfully permits cattle to graze or tethers upon any canal or dam or causes knowingly and willfully permits cattle to tether upon any such canal or dam, or roots up any grass or other vegetation or any way injures or causes to be removed, cut or otherwise injures any tree, bush, grass or hedge without permission shall be punished with imprisonment for a term which may extend to three months or with fine upto ten thousand rupees or with both;

(iii) draws more water or takes water for time which is more than that permitted by the Canal Officer or takes water unauthorized through canal shall be punished with imprisonment for a term which may extend to three months or with fine up to ten thousand rupees or with both;

(iv) by any means raises or lowers the level of water by putting obstruction of any materials or takes water unauthorized by putting an engine or other instrument without damaging canal shall be punished with imprisonment for a term which may extend to six months or with fine upto twenty thousand rupees or with both;

(v) interfere with arrangement of regulating or controlling canal water flow or interfere in arrangement for that or damages/removes apparatus or structures constructed for water management shall be punished with imprisonment for a term

which may extend to one year or with fine up to fifty thousand rupees or with both;

(vi) pollutes the canal water or releases liquid waste or solid waste shall be punished with imprisonment for a term which may extend to one year or with fine upto fifty thousand rupees or with both.

(2) Over and above the punishment as referred to in clause (iv) of sub-section (1), the canal officer may confiscate the engine or pipeline or any other instrument used for drawing canal water unauthorizedly and such instruments shall be returned back by paying penalty up to one lakh rupees to canal officer.”.

3. In the principal Act, for section 38, the following section shall be substituted, namely:-

**Substitution
of section
38 of Guj. 6
of 2013.**

**Penalty for
endangering
stability of
canal, etc.**

“38. (1) Whoever, without proper authority, -

(i) makes any embankment or creates obstruction by any means for the purpose of diverting flow of a river or damages flood-embankment or carryout activity which leads to damage of flood embankment or refuses or neglects to remove any such embankment or obstruction when lawfully required so to do shall be punished with imprisonment for a term which may extend to one and half years or with fine up to one lakh rupees or with both;

(ii) pierces or cuts through canal or attempts to pierce or cut through canal or insert pipe by piercing or cutting canal or put engine or any other instrument in canal by damaging canal or canal lining or otherwise damage, destroy or endanger the stability or safety of canal or attempt to so shall be punished with imprisonment for a term which may extend to two years or with fine up to two lakhs rupees or with both;

(2) Over and above the punishment as referred to in clause (ii) of sub-section (1), the canal officer may confiscate the engine or pipeline or any other instrument used for drawing canal water unauthorizedly and such instruments shall be returned back by paying penalty up to one lakh rupees to canal officer.”.



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. LX]

MONDAY AUGUST 19, 2019/ SRAVANA 28, 1941

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 16th August, 2019 is hereby published for general information.

K. M. LALA,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 16 OF 2019.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 19th August, 2019).

AN ACT

further to amend the Indian Institute of Teacher Education, Gujarat Act, 2010.

It is hereby enacted in the Seventieth Year of the Republic of India as follows:-

1. (1) This Act may be called the Indian Institute of Teacher Education, Gujarat (Amendment) Act, 2019.
- (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Short title and
commencement.

Amendment of
section 2 of
Guj. 8 of 2010.

2. In the Indian Institute of Teacher Education, Gujarat Act, 2010 (hereinafter referred to as “the principal Act”), in section 2,-

Guj. 8 of
2010.

(i) after clause (a), the following clause shall be inserted, namely:-

“(aa) “affiliation” means a status by the affiliating University to the college or University or other educational institute imparting education admitted to the privileges of the University;”;

(ii) after clause (c), the following clause shall be inserted, namely:-

“(cc) “DIET” means District Institute of Education and Training established and maintained by the State Government.”.

Amendment of
section 6 of Guj. 8
of 2010.

3. In the principal Act, in section 6, -

(i) in clause (34), the word “and” occurring at the end shall be deleted;

(ii) after clause (34), the following clause shall be inserted, namely:-

“(34-a) to grant affiliation or recognition or approval as the case may be to the District Institute of Education and Training (DIET) on recommendation of the Academic Council and approval of the Executive Committee as per the University Grants Commission norms in this regard:

Provided that the State Government may add any other college/institute as required.”.

Amendment of
section 21 of Guj.
8 of 2010.

4. In the principal Act, in section 21, after clause (k), the following clause shall be inserted, namely:-

“(k-a) to approve affiliation and/or recognition as the case may be;”.

Amendment of
section 23 of Guj.
8 of 2010.

5. In the principal Act, in section 23, after clause (3), the following clause shall be inserted, namely:-

“(3-a) to recommend affiliation or recognition or approval, as the case may be, to the applicant college, on the compliance of the procedure and fulfilment of the conditions laid down by the University under the relevant statute or ordinances in pursuance to clause (34-a) of section 6;”.



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. LX]

MONDAY AUGUST 19, 2019/ SRAVANA 28, 1941

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 16th August, 2019 is hereby published for general information.

K. M. LALA,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 17 OF 2019.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 19th August, 2019).

AN ACT

further to amend the Gujarat Land Revenue Code, 1879.

It is hereby enacted in the Seventieth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Land Revenue (Second Amendment) Act, 2019.

Short title and commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

**Amendment
of section
135D of Bom.
V of 1879.**

2. In the Gujarat Land Revenue Code, 1879, in section 135D, for sub-section (5), the following sub-section shall be substituted, namely:-

**Bom. V of
1879.**

“(5) Where no objection is raised, either manually or electronically, by any person having interest in any transaction made by the designated officer as referred to in sub-section (2), the mutation entry shall be certified, within such time, for such transaction and on such terms and conditions as may be prescribed.”.



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. LX]

MONDAY AUGUST 19, 2019/ SRAVANA 28, 1941

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations
made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 16th August, 2019 is hereby published for general information.

K. M. LALA,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 18 OF 2019.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 19th August, 2019).

AN ACT

further to amend the Gujarat Tenancy and Agricultural Lands Act, 1948, the Saurashtra Gharkhed, Tenancy Settlement and Agricultural Lands Ordinance, 1949 and the Gujarat Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, 1958.

It is hereby enacted in the Seventieth year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Tenancy and Agricultural Lands Laws (Amendment) Act, 2019.

Short title and
Commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment
of section
63AA of
Bom. LXVII
of 1948.

2. In the Gujarat Tenancy and Agricultural Lands Act, 1948 (hereinafter referred to as “the Gujarat Tenancy and Agricultural Lands Act), in section 63AA,-

Bom. LXVII
of 1948.

(1) in sub-section (3), in clause (b), for the words “such fine not exceeding two thousand rupees as the Collector may, subject to rules made under this Act, direct”, the words “after one month from the date of such purchase, such fine of one per cent. of the prevailing *jantri* every month, as the Collector may, subject to rules made under this Act, direct” shall be substituted;

(2) in sub-section (4), in clause (b), for the existing third proviso, the following proviso shall be substituted, namely:-

“Provided also that such aggregate period of seven years may, on an application made by the purchaser in that behalf and on payment of 20 per cent. of the prevailing *jantri* value, be extended by another three years by the State Government and thereafter, be extended by the State Government from time to time for further periods on payment of 20 per cent. of the prevailing *jantri* for every three years.”;

(3) in sub-section (4B), -

(a) after clause (ii), the following clauses shall be inserted, namely:-

“(ii-a) the purchaser shall commence production of goods or providing of services on the land purchased by him within such period with effect from the date of grant of issue of certificate by the Industries Commissioner, Gujarat State or the Collector, whichever is later, for establishing industrial park under the policy of the State Government for Industrial Parks as the State Government may, by notification in the *Official Gazette*, specify;

(ii-b) after successfully commissioning of production of goods or providing of services to the satisfaction of the Collector, for a period of three years from the date of approval for putting land to *bonafide* industrial use or establishing industrial park, the restrictions of this section shall not apply.”;

(b) for clause (vi), the following clause shall be substituted, namely:-

“(vi) the purchaser shall not be entitled to sale or transfer the land for the first three years from the date of grant of approval for establishing industrial park and in case where the purchaser is of the view, after a period of three years from the date of purchase of such land, that it is not possible for him to fulfill the condition and obtain the certificate/certificates as referred to in this section, he may make an application to the Collector for grant of permission to sale or transfer of such land for other *bonafide* industrial purpose and the Collector shall there upon grant such permission to sale only upon payment of, -

(a) 100 per cent. of the prevailing *jantri* value, if the application is made after a period of three years but before completion of a period of five years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (3) or, as the case may be, the certificate as referred to in clause (ii-a) of sub-section (4B);

(b) 60 per cent. of the prevailing *jantri* value, if the application is made after a period of five years but before completion of a period of seven years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (3) or, as the case may be, the certificate as referred to in clause (ii-a) of sub-section (4B);

(c) 30 per cent. of the prevailing *jantri* value, if the application is made after a period of seven years but before completion of a period of ten years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (3) or, as the case may be, the certificate as referred to in clause (ii-a) of sub-section (4B);

(d) 25 per cent. of the prevailing *jantri* value if the application is made beyond ten years:

Provided that such permission for sale of such land shall be granted only for the purpose of use of such land for the *bonafide* industrial purpose.”;

(4) the following Explanation shall be added at the end, namely:-

“**Explanation.** – For the purposes of this section, the expression “*bonafide* industrial purpose” includes and shall always be deemed to have included the establishment of the industrial park.”.

Amendment
of section
63AC of
Bom. LXVII
of 1948.

3. In the Gujarat Tenancy and Agricultural Lands Act, in section 63AC, in sub-section (1), for the portion beginning with the words “such institution shall be entitled to make an application” and ending with the words “to Collector for conversion of such land into non-agricultural purpose”, the following portion shall be substituted, namely:-

“such institution working in the field of religious, health, education and social sector shall be entitled to make an application within one year from the commencement of the Gujarat Tenancy and Agricultural Lands Laws (Amendment) Act, 2019, to the Collector for conversion of such land into non-agricultural purpose.”.

Guj. 18 of 2019.

Sau. Ord. XLI
of 1949.

4. In the Saurashtra Gharkhed, Tenancy Settlement and Agricultural Lands Ordinance, 1949 (hereinafter referred to as “the Saurashtra Ordinance”), in section 54B, in sub-section (1), for the portion beginning with the words “such institution shall be entitled to make an application” and ending with the words “to the Collector for conversion of such land into non-agricultural purpose”, the following portion shall be substituted, namely:-

Amendment
of section
54B of Sau.
Ord. XLI of
1949.

Guj. 18 of
2019.

“such institution working in the field of religious, health, education and social sector shall be entitled to make an application within one year from the commencement of the Gujarat Tenancy and Agricultural Lands Laws (Amendment) Act, 2019, to the Collector for conversion of such land into non-agricultural purpose.”.

5. In the Saurashtra Ordinance, in section 55, -
(1) in sub-section (2), -

Amendment
of section 55
of Sau. Ord.
XLI of 1949.

(a) after clause (a), the following clause shall be inserted,
namely:-

“(aa) Where the purchaser fails to send the notice and other particulars to the Collector under clause (a) within the period specified therein, he shall be liable to pay in addition to the non-agricultural assessment leviable under this Act, after one month from the date of such purchase, such fine of one per cent. of the prevailing *jantri* every month, as the Collector may, subject to rules made under this Act, direct.”;

(b) in clause (b), for the existing third proviso, the following proviso shall be substituted, namely:-

“Provided also that such aggregate period of seven years may, on application made by the purchaser in that behalf and on payment of 20 per cent. of the prevailing *jantri* value, be extended by another three years by the State Government and thereafter, be extended by the State Government for time to time for further

periods on payment of 20 per cent. of the prevailing *jantri* for every three years.”;

(2) in sub-section (3B),-

(a) after clause (ii), the following clauses shall be inserted, namely:-

“(ii-a) the purchaser shall commence production of goods or providing of services on the land purchased by him within such period with effect from the date of grant of issue of certificate by the Industries Commissioner, Gujarat State or the Collector, whichever is later, for establishing industrial park under the policy of the State Government for Industrial Parks as the State Government may, by notification in the *Official Gazette*, specify;

(ii-b) after successfully commissioning of production of goods or providing of services to the satisfaction of the Collector, for a period of three years from the date of approval for putting land to *bonafide* industrial use or establishing industrial park, the restrictions of this section shall not apply.”;

(b) for clause (vi), by the following clause shall be substituted, namely:-

“(vi) the purchaser shall not be entitled to sale or transfer the land for the first three years from the date of grant of approval for establishing industrial park and in case where the purchaser is of the view, after a period of three years from the date of purchase of such land, that it is not possible for him to fulfill the condition and obtain the certificate/certificates as referred to in this section, he may make an application to the Collector for grant of permission to sale or transfer of such land for other *bonafide* industrial purpose and the Collector

shall there upon grant such permission to sale only upon payment of,-

(a) 100 per cent. of the prevailing *jantri* value, if the application is made after a period of three years but before completion of a period of five years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (3) or, as the case may be, the certificate as referred to in clause (ii-a) of sub-section (3B);

(b) 60 per cent. of the prevailing *jantri* value, if the application is made after a period of five years but before completion of a period of seven years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (3) or, as the case may be, the certificate as referred to in clause (ii-a) of sub-section (3B);

(c) 30 per cent. of the prevailing *jantri* value, if the application is made after a period of seven years but before completion of a period of ten years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (3) or, as the case may be, the certificate as referred to in clause (ii-a) of sub-section (3B);

(d) 25 per cent. of the prevailing *jantri* value if the application is made beyond ten years:

Provided that such permission for sale of such land shall be granted only for the purpose of use of such land for the *bonafide* industrial purpose.

(3) the following Explanation shall be added at the end, namely:-

“Explanation. – For the purposes of this section, the expression “*bonafide* industrial purpose” includes and shall always be deemed to have included the establishment of the industrial park.”.

Amendment
of section
89A of Bom.
XCIX of
1958.

Bom. XCIX
of 1958.

6. In Gujarat Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, 1958 (hereinafter referred to as “the Gujarat Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act”), in section 89A, -

(1) in sub-section (3), in clause (b), for the words “such fine not exceeding two thousand rupees as the Collector may, subject to rules made under this Act, direct”, the words “after one month from the date of such purchase, such fine of one per cent. of the prevailing *jantri* every month, as the Collector may, subject to rules made under this Act, direct” shall be substituted;

(2) in sub-section (4), for the existing third proviso, the following proviso shall be substituted, namely:-

“Provided also that such aggregate period of seven years may, on application made by the purchaser in that behalf and on payment of 20 per cent. of the prevailing *jantri* value, be extended by another three years by the State Government and thereafter, be extended by the State Government for time to time for further periods on payment of 20 per cent. of the prevailing *jantri* for every three years.”;

(3) in sub-section (4B), -

(a) after clause (ii), the following clauses shall be inserted, namely:-

“(ii-a) the purchaser shall commence production of goods or providing of services on the land purchased by him within such period with effect from the date of grant of issue of certificate by the Industries Commissioner, Gujarat State or the Collector, whichever is later, for establishing industrial park under the policy of the State Government for Industrial Parks as the State Government may, by notification in the *Official Gazette*, specify;

(ii-b) after successfully commissioning of production of goods or providing of services to the satisfaction of the

Collector, for a period of three years from the date of approval for putting land to *bonafide* industrial use or establishing industrial park, the restrictions of this section shall not apply.”;

(b) for the existing clause (vi), the following clause shall be substituted, namely:-

“(vi) the purchaser shall not be entitled to sale or transfer the land for the first three years from the date of grant of approval for establishing industrial park and in case where the purchaser is of the view, after a period of three years from the date of purchase of such land, that it is not possible for him to fulfill the condition and obtain the certificate/certificates as referred to in this section, he may make an application to the Collector for grant of permission to sale or transfer of such land for other *bonafide* industrial purpose and the Collector shall there upon grant such permission to sale only upon payment of, -

(a) 100 per cent. of the prevailing *jantri* value, if the application is made after a period of three years but before completion of a period of five years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (3) or, as the case may be, the certificate as referred to in clause (ii-a) of sub-section (4B);

(b) 60 per cent. of the prevailing *jantri* value, if the application is made after a period of five years but before completion of a period of seven years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (3) or, as the case may be, the

certificate as referred to in clause (ii-a) of sub-section (4B);

(c) 30 per cent. of the prevailing *jantri* value, if the application is made after a period of seven years but before completion of a period of ten years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (3) or, as the case may be, the certificate as referred to in clause (ii-a) of sub-section (4B);

(d) 25 per cent. of the prevailing *jantri* value if the application is made beyond ten years:

Provided that such permission for sale of such land shall be granted only for the purpose of use of such land for the *bonafide* industrial purpose.”;

(4) the following Explanation shall be added at the end, namely:-

“**Explanation.** – For the purposes of this section, the expression “*bonafide* industrial purpose” includes and shall always be deemed to have included the establishment of the industrial park.”.

Amendment
of section
89C of Bom.
XCIX of
1958.

7. In the Gujarat Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, in section 89C, in sub-section (1), for the portion beginning with the words “such institution shall be entitled to make an application” and ending with the words “to the Collector for conversion of such land into non-agricultural purpose”, the following portion shall be substituted, namely:-

Guj. 18 of 2019.

“such institution working in the field of religious, health, education and social sector shall be entitled to make an application within one year from the commencement of the Gujarat Tenancy and Agricultural Lands Laws (Amendment) Act, 2019, to the Collector for conversion of such land into non -agricultural purpose.”.



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. LX]

TUESDAY AUGUST 20, 2019/ SRAVANA 29, 1941

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations
made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 19th August, 2019 is hereby published for general information.

K. M. LALA,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 19 OF 2019.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 20th August, 2019).

AN ACT

further to amend the Gujarat Private Universities Act, 2009.

WHEREAS the Shreyarth Foundation, Ahmedabad, Charutar Arogya Mandal, Karamsad, ASIA Charitable Trust, Ahmedabad, Bhagwan Mahavir Education Foundation, Surat, Silver Oak Education And Research Society, Ahmedabad, Lok Jagruti Kendra Trust, Ahmedabad, have applied to the State

Guj. 8 of 2009. Government under the provisions of the Gujarat Private Universities Act, 2009 to establish Private Universities in the State;

AND WHEREAS the said applications have been scrutinised by the Scrutiny Committee and on report of the Scrutiny Committee, the State Government has issued the Letter of Intent to the respective sponsoring body for establishment of the Private University;

AND WHEREAS the State Government is satisfied that the sponsoring bodies have complied with the conditions of Letter of Intent as provided in section 10 of the said Act and have also established the Endowment Fund as per the Letter of Intent;

NOW, THEREFORE, the Government of Gujarat, in accordance with the provisions of section 10 of the said Act, includes the institutions specified in column 2 of the Schedule as the Private University, by the name and location of the aforesaid sponsoring bodies as specified in column 4 of the said Schedule.

It is hereby enacted in the Seventieth Year of the Republic of India as follows:-

Short title and commencement.

1. (1) This Act may be called the Gujarat Private Universities (Amendment) Act, 2019.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment of Schedule to Guj. 8 of 2009.

2. In the Gujarat Private Universities Act, 2009, in the Schedule, after the entry at serial No. 28, the following entries shall be inserted, namely:-

Guj. 8 of 2009.

Sr. No.	Name and Address of the Private University	Details of Registration and Registration Number	Sponsoring Body
1.	2.	3.	4.
“29.	Shreyarth University, Jorajina Muvada, Ta:-Talod, Dist:- Sabarkantha.	Registration under the Companies Act, 2013. Registration No: U85190GJ2017NPL097859 Date:-13/06/2017.	Shreyarth Foundation, C/o Gujarat Samachar Bhavan, Khanpur, Ahemedabad-380001.
30.	Bhaikaka University, Karamsad, Dist-Anand	F/129 kheda under the Gujarat Public Trusts Act, 1950. Guj/225/Kheda Under the Societies Registration Act, 1860	Charutar Arogya Mandal, H M Patel center for Medical Care and Education, Gokal nagar, Karamsad-388325

Sr. No.	Name and Address of the Private University	Details of Registration and Registration Number	Sponsoring Body
31.	JG University, Uvarsad, Dist:- Gandhinagar	Registration under the Gujarat Public Trusts Act, 1950. E/1399 Date:- 04/04/1966	ASIA Charitable Trust, ASIA Campus, Drive-In-Road, Ahmedabad-380054
32.	Bhagwan Mahavir University, Surat	E/5108/Surat under the Bombay Public Trusts Act, 1950. Date:-24/01/2002	Bhagwan Mahavir Education Foundation, Survey No.149, VIP Road, Bharthana- Vesu Road, Surat- 395007.
33.	Silver Oak University, S.G.Highway, Gota, Ahmedabad- 382481	E/18287/Ahmedabad under the Gujarat Public Trusts Act, 1950. Date:-18/12/2007	Silver Oak Education and Research Society, Nr. Bhavik Publications, Opp. Bhagwat Vidyapith, S.G.Highway, Gota, Ahmedabad- 382481.
34.	Lok Jagruti Kendra University, FP No.74, 100+113 TPS No. 86 (Sarkhej-okaf- Fatewadi, Makrba), Dist:-Ahmedabad	F/732/Ahmedabad under the Gujarat Public Trusts Act, 1950 Date:-29/04/1980	Lok Jagruti Kendra, L.J. Campus, Vastrapur, Ahmedabad- 380015.”.



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. LX]

TUESDAY AUGUST 20, 2019/ SRAVANA 29, 1941

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations
made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 19th August, 2019 is hereby published for general information.

K. M. LALA,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 20 OF 2019.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 20th August, 2019).

AN ACT

further to amend the Gujarat Private Universities Act, 2009.

WHEREAS the Charutar Vidya Mandal, Vallabh Vidyanagar and Samata Lok Sansthan, Vadodara have applied to the State Government under the provisions of the Gujarat Private Universities Act, 2009 to establish Private Universities in the State;

Guj. 8 of
2009.

AND WHEREAS the said applications have been scrutinised by the Scrutiny Committee and on report of the Scrutiny Committee, the State Government has issued the Letter of Intent to the respective sponsoring body for establishment of the Private University;

AND WHEREAS the State Government is satisfied that the sponsoring bodies have complied with the conditions of Letter of Intent as provided in section 10 of the said Act and have also established the Endowment Fund as per the Letter of Intent;

NOW, THEREFORE, the Government of Gujarat, in accordance with the provisions of section 10 of the said Act, includes the institutions specified in column 2 of the Schedule as a Private University, by the name and location of the aforesaid sponsoring bodies as specified in column 4 of the said Schedule.

It is hereby enacted in the Seventieth Year of the Republic of India as follows:-

Short title and commencement.

1. (1) This Act may be called the Gujarat Private Universities (Second Amendment) Act, 2019.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment of Schedule to Guj. 8 of 2009.

2. In the Gujarat Private Universities Act, 2009, in the Schedule,-

Guj. 8 of 2009.

(i) for the entry at serial No. 3, the following entry shall be substituted, namely:-

Sr. No.	Name and address of the Private University.	Details of registration and registration number.	Sponsoring Body.
1.	2.	3.	4.
"3.	The Sabarmati University, Ahmedabad.	U80900DL2010NPL199956, Assistant Registrar of Companies, New Delhi (Under section 25 of the Companies Act).	Calorx Advanced Learning and Research Foundation, B-7/122-A, Safdarjung Enclave, New Delhi -110029."

(ii) after the entry at serial No. 34, the following entries shall be inserted, namely:-

Sr. No.	Name and address of the Private University.	Details of registration and registration number.	Sponsoring Body.
1.	2.	3.	4.
“35.	The Charutar Vidya Mandal (CVM) University, Vallabhvidyanagar, Dist:- Anand.	F/12 kheda under the Gujarat Public Trusts Act, 1950 Date:-01/05/1953 Bombay/23/Kheda Under the Societies Registration Act, 1860 Date:- 10/08/1945	Charutar Vidya Mandal, P.B.No. 22, Vallabh Vidyanagar-388120.
36.	ITM(SLS) Baroda University, Vadodara, ITM Universe Campus, Jarod, Village:- Paldi, Halol Highway, Ta:- Waghodiya, Vadodara-391510.	E/7348/Vadodara under the Gujarat Public Trusts Act, 1950.	Samata Lok Sansthan Trust, Vadodara, ITM Universe Campus, Jarod, Village:- Paldi, Halol Highway, Ta:- Waghodiya, Vadodara-391510.”.



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. LX]

THURSDAY AUGUST 22, 2019/ SRAVANA 31, 1941

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations
made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the President on the 7th August, 2019 is hereby published for general information.

K. M. LALA,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 21 OF 2019.

(First published, after having received the assent of the President, in the "*Gujarat Government Gazette*", on the 22th August, 2019).

AN ACT

further to amend the Gujarat Agricultural Lands Ceiling Act, 1960.

It is hereby enacted in the Seventieth Year of the Republic of India as follows:-

1. This Act may be called the Gujarat Agricultural Lands Ceiling Short title.
(Amendment) Act, 2019.

Amendment of
section 3 of
Guj. XXVII of
1961.

2. In the Gujarat Agricultural Lands Ceiling Act, 1960 (hereinafter referred to as “the principal Act”), in section 3, in sub-section (1), the existing clause (*ddd*) shall be renumbered as sub-clause (i) of that clause and after sub-clause (i) as so renumbered, the following sub-clause shall be inserted, namely:-

Guj. XXVII
of 1961.

“(ii) Notwithstanding anything contained in sub-clause (i) above, the State Government may, after being satisfied, by notification in the *Official Gazette*, waive the said period for registration of separate public trust for such institution in such circumstances and on such terms and conditions as may be specified therein.”.



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. LX]

THURSDAY AUGUST 22, 2019/ SRAVANA 31, 1941

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations
made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 20th August, 2019 is hereby published for general information.

K. M. LALA,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 22 OF 2019.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 22nd August, 2019).

AN ACT

to prevent unauthorized or excessive drawl of water, damage to water supply infrastructure; and to protect domestic water supply system in the State of Gujarat and for the matters connected therewith or incidental thereto.

It is hereby enacted in the Seventieth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Domestic Water Supply (Protection) Act, 2019.
- (2) It extends to whole of the State of Gujarat.

Short title, extent
and
commencement.

- (3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint; and different dates may be appointed for different provisions of this Act.

Definitions. 2. In this Act, unless the context otherwise requires,-

- Guj. 18 of 1979.
- (a) “Authority” means a public water distribution authority as specified in section 4;
 - (b) “Board” means the Gujarat Water Supply and Sewerage Board established under section 3 of the Gujarat Water Supply and Sewerage Board Act, 1978;
 - (c) “bulk pipeline system” means any pipe line, size of which is more than 300mm diameter or such lower size of pipeline which feeds water to storage reservoir or Water Treatment Plants and includes open conveyance channels water storage systems, and valves or attachments on such pipeline;
 - (d) “connecting pipe” means a pipe connecting distribution line to the user’s house or premises through which he receives water;
 - (e) “distribution pipeline” means pipelines other than used in bulk pipeline system;
 - (f) “domestic water” means water used for consumption by human beings for drinking or other domestic purposes such as cooking, bathing, washing, cleaning and other day-to-day activities; and includes consumption of water for live-stock.
- Explanation:** For the purpose of this Act, the supply of water for domestic purposes shall also include supply of water among others to commercial units, industrial establishments or institutions by the Authority;
- (g) “group residential connection” means a water connection to a user who owns or occupies more than four dwelling units for residential purposes and water is used for household purpose only;
- 18 of 2013.
- (h) “GWIL” means the Gujarat Water Infrastructure Limited, a Government company incorporated under the Companies Act, 2013;
 - (i) “local authority” for the purpose of this Act means-

- (i) a municipal corporation, constituted under the Gujarat Provincial Municipal Corporations Act, 1949; **Bom.LIX of 1949.**
- (ii) a municipality, constituted under the Gujarat Municipalities Act, 1963; **Guj.34 of 1964.**
- (iii) a village panchayat, constituted under the Gujarat Panchayats Act, 1993; **Guj.18 of 1993.**
- (iv) a Cantonment area, constituted under the Cantonment Act, 2006; **41 of 2006.**
- (j) “prescribed” means prescribed by rules made under this Act;
- (k) “public domestic water source” means a source of water which is reserved for domestic purposes fully or partially;
- (l) “public water distribution system” means a water supply system as provided under section 3; and includes source, conveyance system including bulk and distribution pipe lines, valves and fixers, storage or cisterns, electrical installations, pumping stations, water meter, treatment plant, stand posts or taps and all other equipments, attachments or accessories connected thereto, through which water is supplied;
- (m) “regular connection size” means size of the connecting pipe which is normally granted by the Authority to a user in the public water distribution system;
- (n) “residential connection” means a water connection granted to a user who owns or occupies a dwelling unit for residential purpose and water is used for residential use only;
- (o) “residential use” means use of water from public water distribution system for the household purpose only;
- (p) “Schedule” means Schedule appended to this Act;
- (q) “user” means a person having a valid water connection for receiving domestic water supply from the public water distribution system.
- 3.** A public water distribution system is a water supply system laid or owned by an Authority for supplying water, for domestic purposes to users. **Public Water Distribution System.**
- 4. (1)** No authority other than a local authority, the Board or GWIL shall lay or own a public water distribution system in the State: **Public Water Distribution Authority.**

Provided that the State Government may, in public interest, by a notification in the *Official Gazette*, authorize any other agency to lay or own a public water distribution system for such area, as it may deem fit.

(2) The jurisdiction of the local authority shall be its local limits and the jurisdiction of the Board and GWIL shall be whole of the State:

Provided that where a local authority or an agency has laid a part of the public water distribution system outside its limits or area, the same shall be deemed to be within its jurisdiction for the purposes of this Act:

Provided further that the Board may, on a request made by a local authority, lay and operate public water distribution system within the limits of such local authority.

**Powers and
Functions of
Public Water
Distribution
Authority.**

5. (1) The Authority shall have following powers and functions, namely:-

I. Relating to water source –

- (a) to own a water source;
- (b) to get user right of a source from the Government or any other person;
- (c) to get water reserved or allocated from a source;
- (d) to procure water;
- (e) to develop a water source;
- (f) to get water from any source for its domestic use;

II. Relating to distribution system –

- (a) to plan, design, execute, operate, manage or maintain a public water distribution system;

III. Relating to water connection –

- (a) to grant or disconnect water connection;
- (b) to lay down size of connecting pipe to be granted to a user normally, and different sizes can be fixed different kinds of users;
- (c) to lay down terms and conditions for grant of water connection including residential connections or disconnection thereof; and different norms or terms and conditions may fixed for different kind of users; and
- (d) to fix water charges for different category of users subject to the condition that such charges shall not be less than the charges fixed by

the State Government for that category of users;

IV. Relating to protection of public water distribution system-

- (a) to prevent theft of water from public water distribution system;
 - (b) to prevent misuse and wastage of water;
 - (c) to prevent damage to the public water distribution system, its parts or components;
 - (d) to prevent tampering, obstruction, diversion, break or interference with flow of water or defacing of public water distribution system;
 - (e) to prevent unauthorized drawl of water;
 - (f) to prevent excess drawl of water; and
 - (g) to take such other measures to protect public water distribution system as may be required.
- (2) The Authority shall, subject to the provisions of this Act, have such other powers and functions to do a thing which may be necessary or expedient for carrying out the purposes of this Act.
- (3) It shall be the responsibility of the Authority to ensure or take adequate measures for protection of public water distribution system including prevention of damage or obstruction to the system or for prevention of unauthorized or excess drawl of water.

6.(1) The Authority may apply to the State Government for reservation of water from a source in the manner as may be prescribed.

**Reservation
of Public
Domestic
Water
Sources.**

(2) The State Government may, by an order, reserve a water source or such quantity from a water source, for such period and for such Authority or Authorities as it may consider necessary. The State Government may allocate water from a source either fully or partially, to different Authorities keeping in view the demands and requirements of the Authorities as it may deem fit:

Provided that the State Government may, while making an order under sub-section (2), specify whether such reservation is of permanent nature or for a specific period as maybe expedient.

(3) The reservation of water for an Authority may be renewed by an order of the State Government.

(4) Notwithstanding anything contained in section 5 or sub-sections (1) to (3) of this section, the State Government or owner of the water source, as the case may be, shall be responsible for the protection of water source, and shall exercise all powers and functions as may be required.

**Water
Connection.**

7. (1) A person or an Authority desirous of having a water connection shall make an application in such form, with such fees and along with such documents as may be prescribed by the rules, bye-laws or regulations of the Authority, to the concerned Authority having jurisdiction for the purpose of granting water supply connection.

(2) On receipt of an application made under sub-section (1), the Authority shall scrutinize the same and if it is satisfied, shall grant the water connection subject to sub-section (4) and on such terms and conditions as it may specify. The conditions may include the terms of supply, quantum of water, usage, accessories as may be required, pricing, metering, conditions for protection of water supply system and such other conditions as it may deem fit.

(3) The Authority shall grant connection subject to the rules, bye-laws or regulations made by it for the purpose:

Provided that such rules, bye-laws or regulations may provide for different conditions for different category or class of users while granting water connection.

(4) The Authority shall grant water connection to a user from such distribution pipeline as it may decide depending upon the availability of infrastructure in the public water distribution system and its operational requirements. The decision of the Authority in this regard shall be final.

8. (1) A water meter shall be installed at the source from where an Authority is authorized to draw water. The record of water drawl shall be submitted by the Authority at such interval to the State Government as it may direct.

**Water
Meter.**

(2) The Authority may provide a water meter or ask user to put a water meter and attach the same to connecting pipe joined with the distribution system of the Authority in the premises of user or outside, subject to the rules, regulations or bye-laws made by the Authority for the purpose.

9. (1) An annual water audit shall be carried out for a water source used for the purpose of domestic supply by the State Government or an agency which owns such water source.

**Water
Audit.**

(2) An annual water audit shall be carried out by each of the Authorities for the public water distribution system laid or owned by it.

(3) The manner and scope of the water audit shall be such as may be prescribed by the State Government.

10. (1) No person in relation to public water distribution system shall-

**Prohibition
of certain
Acts.**

- (i) damage, destroy, deface or tamper with the system;
- (ii) tamper valves, or similar devices to change the flow of water;
- (iii) tamper with flow measurement devices including water meters;
- (iv) obstruct, divert, break or interfere flow of water or impede operation or maintenance of system;
- (v) draw water from a public distribution system by connecting or joining a pipe or any other attachment directly or indirectly or by any means, for any purpose without an authorized connection having been obtained from the Authority;
- (vi) draw water in excess of permitted quantity directly or indirectly by tampering the system, use of wrongful means or in contravention of terms and conditions on which connection has been granted by the

Authority; and

- (vii) use the water other than the purpose for which the connection is granted by the Authority.

(2) No person shall take away in an unauthorized manner or indulge in the theft of material, equipment or device, used or stocked for the purpose of being laid in public water distribution system.

Offences and Penalties. 11. (1) Whoever in contravention of the provisions of section 10,

- (i) damages, destroys or defaces a public water distribution system shall be punishable with imprisonment for a term which may extend to two years or with fine, which may extend to rupees one lakh or equal to the amount of damage caused to the system or loss suffered by the Authority, whichever is higher, or with both;
- (ii) tampers a public water distribution system to disturb working of system, tampers valves or similar devices to change the flow, tamper with flow measurement devices including water meter shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to rupees fifty thousand or with both;
- (iii) obstructs, diverts, breaks or interferes with flow of water; or impedes operations or maintenance of system shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to rupees twenty thousand or with both.

(2) Whoever in contravention of the provisions of section 10 draws water from a public distribution system by connecting or joining a pipe or any other attachment directly or indirectly, or by any means, for any purpose without an authorized connection obtained from the authority shall be punishable with such punishment as provided in Schedule I.

(3) Whoever in contravention of the provisions of sub-clauses (i) to (vi) of sub-section (1) of section 10 draws water in excess of permitted quantity directly or

indirectly by tampering the system, use of wrongful means or in contravention of terms and conditions on which water connection has been granted by the Authority, shall be punishable with such penalty as provided in Schedule II.

(4) Whoever other than a user who has a residential connection, in contravention of the provisions of section 10 uses the water other than the purpose for which the water connection is granted shall be punishable with a fine which may extend to rupees twenty thousand.

(5) A person taking away in an unauthorized manner or indulging in the theft of material, equipment or device used or stocked for the purpose of public water distribution system shall be punishable with imprisonment for a term which may extend to three years or with fine, which may extend to rupees one lakh or with both.

(6) Whoever abets any offence specified in sub-sections (i) to (v) of sub-section (1) of section 10 shall be punished with the punishment provided for the offence in the relevant sub-section of this section:

Provided that whenever such an offence is abetted by an employee, officer, office bearer or an agency engaged by the Authority, the abettor shall be punished with imprisonment or fine provided for the offence which shall be double the amount specified in the relevant sub-sections, or with both.

12. (1) No person shall obstruct or interfere in discharge of the duties and functions by an employee, officer or a person authorized by the Authority under the provisions of this Act or the rules made thereunder.

**Obstructing
an Employee
or Authorised
Officer in
Discharge of
his Duties.**

(2) Whoever contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to three months or with fine, which may extend to rupees ten thousand or with both.

13. (1) Any person or officer of the Authority authorized in this behalf by the Authority may -

(a) enter and inspect at any time in any premises where water is supplied by the Authority or any components of public water distribution

**Power to
Search,
Inspect
and
Seizure.**

system lies, if it appears necessary to him for ascertaining proper functioning of the system or to inquire whether any activity has been carried or is being carried out in contravention of the provisions of this Act or an act has been or is being committed which is prohibited under the Act;

- (b) search, seize and remove all such devices, instruments or any other articles which has been, or is being, or is likely to be used for contravention of the provisions of this Act or for committing an act which is prohibited;
- (c) examine or seize any books of accounts, materials or documents, equipment or devices which in his opinion shall be useful as evidence for or relevant to, any proceedings in respect of an offence under section 10 and allow the person from whose custody such books of accounts, materials or documents, equipment or devices are seized to make copies thereof or take extracts there from in his presence.

(2) The owner or occupant of the place or premises of search or any person on his behalf shall be allowed to remain present, as far as possible, during the search and a list of all the things seized in the course of such search shall be prepared and delivered to such occupant or person who shall sign the list.

2 of 1974

(3) The provisions of the Code of Criminal Procedure, 1973 relating to search and seizure shall apply, to searches and seizures carried out under this sub-section.

(4) Where, during an inspection or search of any place or premises under sub-section (1), a user or a person is found to have committed an offence under section 10, the authorized officer may disconnect the water supply to such place or premises immediately without any notice.

Assessment
of Loss.

14. (1) Any person or officer of the Authority authorized referred to in sub-section(1) of section 13, who has entered, searched or inspected any premises

and has reason to believe that an offence is committed under clause (v), (vi) or (vii) of sub-section (1) of section 10, shall prepare a report along with evidences gathered and submit the same with his findings to the Assessing Officer (hereinafter referred to as “Assessing Officer”) for the assessment of loss or damage suffered.

(2) Subject to such criteria and the manner as may be prescribed, the Assessing Officer shall assess the loss or damage caused to the Authority on account of unauthorized or excess drawl of water or use of water for a purpose other than for which connection was granted, on the basis of the report referred to in sub-section (1) of this section or after an enquiry, as may be required, and pass an order of recovery for such loss or damages suffered by the Authority.

(3) The Assessment Officer shall have regard to the following factors while passing an order under sub-section (2);-

- (a) quantity of water drawn in unauthorized manner,
- (b) duration of such activity,
- (c) charge or rate of water supplied,
- (d) quality of water,
- (e) usage of water, and
- (f) anyother factors relevant for determination of the cost of water drawn in unauthorized.

(4) The Assessing Officer shall be appointed by the Authority in such manner as may be prescribed.

(5) The amount assessed under sub-section (2) shall be recoverable in the same manner as an arrear of land revenue.

15. (1) A person or user aggrieved by an order of the Assessing Officer made **Appeal.** under section 14, may prefer an appeal to the Appellate Officer within a period of thirty days from the date of the order along with such fees and such documents as may be prescribed.

(2) The Appellate Officer shall after examining the records and giving an opportunity of being heard, pass an order as it deem fit.

(3) The Appellate Officer shall be appointed by the State Government in such manner as may be prescribed.

**Water
Appellate
Authority**

16. (1) A person aggrieved by an order of the Appellate Officer made under section 15, may prefer a second appeal within a period of 30 days from the date of the order passed by the Appellate Officer, along with such fees and such documents as may be prescribed, to the Water Appellate Authority constituted under section 17.

(2) The Water Appellate Authority shall after examining the record and following such procedure as may be prescribed by the State Government in consultation with the Water Appellate Authority and pass an order as it may deem fit.

(3) The Water Appellate Authority shall have same powers as that a civil court.

**Constitution
of Water
Appellate
Authority**

17. (1) The State Government shall, by notification in the *Official Gazette*, constitute a Water Appellate Authority for the purpose of deciding appeals filed against an order passed by the Appellate Officer.

(2) The Water Appellate Authority shall consist of a Chairman and such members as the State Government may specify.

(3) The terms and conditions of the Chairman and Members, and the procedure to be followed by the Authority shall be such as may be prescribed.

**Compounding
Offence**

18. (1) The Authority or any officer authorized by it in this behalf may by general or a special order, either before or after the institution of the proceedings for any offence punishable under this Act, accept from a user or a person penalized with the offence by the way of compounding of the offence a sum equivalent to double the maximum amount of fine prescribed in the relevant sub-sections of section 11.

(2) The State Government may, by notification in the *Official Gazette*, specify such reduced sum, for such offences, at which the Authority may compound the offence. Further, the Authority shall not compound any offence on payment of sum below the limit fixed for the purpose of that offence by the State Government.

(3) When an offence has been compounded under sub-section (1), the offender, shall be discharge and no further proceedings shall be made against him in respect of the offence compounded, and if the offender is in custody, he shall be discharged.

19. No civil court shall have the jurisdiction to deal with or decide any question which the Assessing Officer or Appellate Officer, as the case may be, the Water Appellate Authority empowered to deal with or decide with by or under this Act and no injunction shall be granted by any civil court in respect of any action taken or to be taken in pursuance of any of the provisions of this Act.

**Bar of
Jurisdiction
of
Civil Court.**

20. (1) The provisions of this Act shall have effect notwithstanding anything contained in any other law for the time being enforce, in so far as the provisions relating to public domestic water supply.

**Act to have
overriding
effect and
effect of other
laws.**

(2) Notwithstanding anything contained in any other law for the time being in force, when anything in relation to water supply measures are required to be done or approved under this Act, such things shall not be deemed to have been unlawfully done or approved by reason only of the fact that permission, approval or sanction required under such other law has not been obtained.

21. No court shall take cognizance of an offence punishable under this Act or the rules made thereunder except on a complaint made by the Authority or any officer authorized in this behalf by the Authority, as the case may be.

**Cognizance
of offence.**

22. For the purpose of providing speedy trial of the offences under this Act, in any district or metropolitan area in the State, the State Government may, after consultation with the High Court by notification in *Official Gazette*, designate one or more courts of Judicial Magistrate of First Class or, as the case may be, of Metropolitan Magistrate in such district or metropolitan area.

**Designation of
Special Court.**

23. (1) The State Government may, by notification in *Official Gazette*, delegate any of its powers, except the power of making rules, exercisable by it under this

**Delegation of
power.**

Act or the rules, to the Board in such matters and subject to such terms and conditions, if any, as may be specified in such notification.

(2) The Board may with prior permission of the State Government issue such guidelines and advisory to the local authorities in respect of execution of this Act.

Power to give directions.

24. The State Government may give, from time to time, such directions to the authorities or the Board as it may deem fit, for giving effect to the provisions of this Act and it shall be the duty of such authority or the Board to comply with such directions.

Protection of action taken in good faith.

25. No suit or prosecution proceedings shall lie against any person for anything done in good faith or intending to be done under this Act or the rules made thereunder.

Power to make rules.

26. (1) The State Government may, by notification in the *Official Gazette*, make rules not inconsistent with this Act, for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provisions, such rules may provide for all or any of the following matters, namely:-

- (a) the manner of making application by a public water distribution authority, to the State Government for reservation of water from a source under sub-section (1) of section 6;
- (b) the manner and scope of water audit under sub-section (3) of section 9;
- (c) The criteria and the manner for assessing the loss or damage caused to the Authority under sub-section (2) of the section 14;
- (d) the manner of appointment of Assessing Officer under the sub-section (4) of the section 14;
- (e) the fees payable and documents to be attached with the appeal sub-section (1) of section 15;
- (f) the manner of appointment of Appellate Officer under the sub-section (3) of the section 15;

- (g) the fees payable and documents to be attached with the appeal under sub-section (1) of section 16;
- (h) the procedure for examining the appeal by the Water Appellate Authority under sub-section (2) of section 16;
- (i) The terms and conditions of the Chairman and Members, and the procedure to be followed by the Water Appellate Authority under sub-section (3) of section 17;
- (j) any other matter which is required to be, or may be, prescribed.

(3) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made, and shall be subject to rescission by the State Legislature or to such modifications as the State Legislature may make, during the session in which they are so laid or the session immediately following.

(4) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette* and thereupon take effect.

27. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may issue an order not inconsistent with the objects and purposes of this Act, which appears to it to be necessary or expedient for the purpose of removing the difficulty:

**Power to
remove
difficulties.**

Provided that no order shall be made under this section after the expiry of three years from the date of coming into force of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made before the Legislature.

SCHEDULE I

(See sub-section (2) of section 11)

Nature of offence and punishment for unauthorized connection of water depending upon pipeline from which water is drawn, nature of connection, usage of water and size of connecting pipe:

Sr. No.	Nature of Connection	Usage of water	Size of connecting pipe	Punishment
(1)	(2)	(3)	(4)	(5)
A. Pipeline from which water is drawn: Distribution Line				
1.	Residential Connection and Group Residential Connection	Residential Use	Regular Connection Size	Fine not exceeding rupees 3,000/-
2.	Residential Connection and Group Residential Connection	Residential Use	Bigger than Regular Connection Size	Fine not exceeding rupees 5,000/-
3.	Other than Residential Connection	Other than Residential Use	Regular Connection Size	Fine not exceeding rupees 5,000/-
4.	Other than Residential Connection	Other than Residential Use	Bigger than Regular Connection Size	Fine not exceeding rupees 20,000/-
B. Pipeline from which water is drawn: Bulk pipeline system				
5.	Residential Connection and Group Residential Connection	Residential Use	Regular Connection Size	Fine not exceeding rupees 5,000/-
6.	Residential Connection	Residential Use	Bigger than Regular Connection Size	Fine not exceeding rupees 20,000/-
7.	Group Residential Connection	Any Use	Bigger than Regular Connection Size	Imprisonment up to one month or penalty not exceeding rupees 20,000/- or with both

Sr. No.	Nature of Connection	Usage of water	Size of connecting pipe	Punishment
(1)	(2)	(3)	(4)	(5)
8.	Other than Residential Connection	Other than Residential Use	Regular Connection Size	Imprisonment up to one month or penalty not exceeding rupees 50,000/- or with both
9.	Other than Residential Connection	Other than Residential Use	Bigger than Regular Connection Size	Imprisonment up to three months or penalty not exceeding rupees 1,00,000/- or with both
C. In case of any other offence, which is not covered in entry 1 to 9, shall be punished with imprisonment of term not exceeding 3 months or a fine, which shall not exceed rupees 100,000/- or with both.				

SCHEDULE II

(See sub-section(3) of section 11)

Nature of offence and punishment for unauthorized drawl of water from valid connection depending upon nature of connection; usage of water and whether the connecting pipe has been tampered with.

Sr. No.	Nature of Connection	Usage of water	Punishment
(1)	(2)	(3)	(4)
A. Unauthorized drawl of water without tampering with connecting pipe			
1.	Residential Connection	Residential Use	Fine not exceeding rupees 2,000/-
2.	Other Than Residential Connection	Other than Residential Use	Fine not exceeding rupees 3,000/-
B.Unauthorized drawl of water by tampering with connecting pipe, and/or joining a connecting pipe bigger than regular connection size pipe			
3.	Residential Connection	Residential Use	Fine not exceeding rupees 5,000/-
4.	Other than Residential Connection	Other than Residential Use	Fine not exceeding rupees 20,000/-



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. LX]

TUESDAY AUGUST 27, 2019/BHADRA 5, 1941

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations
made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 23rd August, 2019 is hereby published for general information.

K. M. LALA,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 23 OF 2019.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 27th August, 2019).

AN ACT

further to amend the Gujarat Agricultural Universities Act, 2004.

It is hereby enacted in the Seventieth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Agricultural Universities (Amendment) Act, 2019. **Short title and commencement.**

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment of section 4 of Guj. 5 of 2004. 2. In the Gujarat Agricultural Universities Act, 2004, (hereinafter referred to as “the principal Act”), in section 4, for sub-section (4), the following sub-section shall be substituted, namely:- **Guj. 5 of 2004.**

“(4) No educational institute/ college / University established by law imparting education in agriculture and allied sciences or conducting and guiding research in agriculture or conducting and guiding programmes of extension education shall be started or shall be associated in any way with, or seek admission to any of the privileges of, any other University established by law without the sanction of the State Government in the Agriculture, Farmers Welfare and Co-operation Department.”.

Amendment of section 10 of Guj. 5 of 2004. 3. In the principal Act, in section 10, -

(1) in sub-section (1), for clause (b), the following clause shall be substituted, namely:-

“(b) a person, who possesses adequate knowledge in the subjects of agriculture and allied sciences including agriculture economics and has not attained the age of sixty-five years on the date of appointment shall, subject to the provision of sub-section (7), be eligible for being appointed as a Vice-Chancellor.”;

(2) in sub-section (2), for clause (a), the following clause shall be substituted, namely:-

“(a) For the purposes of sub-section (1), the State Government shall appoint a Committee which shall consist of the following members, namely:-

(i) three members from the field of Agriculture and allied sciences, to be nominated by the State Government;

(ii) one member, to be nominated by the Indian council of Agricultural Research.”;

(3) in sub-section (5), the words “and shall not be varied to his disadvantage during his tenure of office without his consent” shall be deleted.

4. In the principal Act, in section 11, in sub-section (9),-

**Amendment
of section 11
of Guj. 5 of
2004.**

(1) in clause (c), for the words “the Chancellor for his decision”, the words “the State Government for its decision” shall be substituted;

(2) (i) in clause (d), for the word “Chancellor”, the words “State Government” shall be substituted;

(ii) in the proviso to clause (d), for the words “the Chancellor”, the words “the State Government” shall be substituted;

(3) in clause (e), for the words “the Chancellor”, the words “the State Government” shall be substituted.

5. In the principal Act, in section 18, in sub-section (1),-

**Amendment
of section 18
of Guj. 5 of
2004.**

(1) under the heading “Class I-*Ex-officio members*”, for clause (viii), the following clause shall be substituted, namely:-

“(viii) the Director ATMA and Sameti, Gujarat State.”;

(2) under the heading “Class II---*Ordinary members*”, in clause (a), for sub-clause (ii), the following sub-clause shall be substituted, namely:-

“(ii) two members having background of agricultural and allied sciences.”.

6. In the principal Act, in section 29,-

**Amendment
of section 29
of Guj. 5 of
2004.**

(1) for sub-section (4), the following sub-section shall be substituted, namely:-

“(4) Every Statute passed by the Board shall be submitted to the State Government for its approval and the State Government

may approve or withheld or refer it back to the Board for consideration or may reject it.”;

(2) in sub-section (5), for the word “Chancellor”, the words “State Government” shall be substituted.



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. LX]

THURSDAY OCTOBER 24, 2019/ KARTIKA 2, 1941

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations
made by the Governor.

INDUSTRIES AND MINES DEPARTMENT

Sachivalaya, Gandhinagar, Dated the 24th October, 2019.

GUJARAT ORDINANCE NO. 1 OF 2019.

AN ORDINANCE

*to provide for exemption from certain approvals and inspections for
establishment and operation of the micro, small and medium enterprises in the
State of Gujarat and matters connected therewith or incidental thereto.*

WHEREAS with a view to promoting inclusive economic growth and employment generation, the State aims to address the specific needs of the micro, small and medium enterprises and promote entrepreneurship, it is expedient to give effect to exemption from certain approvals and inspections required for establishment and operation of micro, small and medium enterprises;

AND WHEREAS the Legislative Assembly of the State of Gujarat is not in session;

AND WHEREAS the Governor of Gujarat is satisfied that circumstances exist which render it necessary for him to take immediate to provide for exemption from certain approvals and inspections for establishment and operation of the micro, small and medium enterprises in the State of Gujarat and for matters connected therewith or incidental thereto;

NOW, THEREFORE, in exercise of the powers conferred on him by clause (1) of article 213 of the Constitution of India, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely:-

1. *Short title, extent and commencement.* - (1) This Ordinance may be called the Gujarat Micro, Small and Medium Enterprises (Facilitation of Establishment and Operation) Ordinance, 2019.

(2) It extends to the whole of the State of Gujarat.

(3) It shall come into force at once.

2. *Definitions.*- In this Ordinance, unless the context otherwise requires:-

(a) “Acknowledgement Certificate” means the acknowledgement certificate issued under section 5;

(b) “approval” means any permission, no-objection, clearance, consent, approval, registration, license and the like, required under Gujarat Law in connection with the establishment or operation of an enterprise in the State of Gujarat;

(c) “Competent Authority” means any department or agency of the Government or local authority, statutory body, State owned corporation, Panchayati Raj Institution, Municipality, Urban Development Authorities, Urban Improvement Trusts or any other authority or agency constituted or established by or under

any State Law or under administrative control of the Government, which is entrusted with the powers or responsibilities to grant or issue approval for establishment or operation of an enterprise in the State;

- (d) “District Level Facilitation Committee (DLFC)” means the District Level Facilitation Committee constituted under section 5 of the Gujarat Single window Clearance Act, 2017; **Guj. 29 of 2017.**
- (e) “enterprise” means a micro, small or medium enterprise;
- (f) “Government” means the Government of Gujarat;
- (g) “micro, small or medium enterprise” means the Micro, Small or Medium Enterprises, as defined in the Micro, Small and Medium Enterprises Development Act, 2006; **27 of 2006.**
- (h) “nodal agency” means the nodal agency referred to in section 3;
- (i) “notification” means a notification published in the Gujarat Gazette and the word ‘notified’ shall be construed accordingly;
- (j) “prescribed” means prescribed by rules made under this Ordinance;
- (k) “State” means the State of Gujarat;
- (l) “Single Window Facilitation Committee (SWFC)” means the Single window Facilitation Committee constituted under section 6 of the Gujarat Single window Clearance Act, 2017; **Guj. 29 of 2017.**
- (m) “Undertaking” means a letter to be taken from enterprise under a prescribed format to include that the enterprise shall ensure appropriate labour welfare measures, adequate fire safety and environmental measures as required by the law.

3. Nodal Agency.- (1) Subject to superintendence, direction and control of the Government, the Investor Facilitation Agency (IFA) constituted under section 8 of the Gujarat Single window Clearance Act 2017 shall be the State level Nodal Agency for the purpose of this Ordinance.

Guj. 29 of 2017.

(2) Subject to superintendence, direction and control of the Government and the District Level Facilitation Committee, the District Industries Centre (DIC) shall be the District level Nodal Agency for the purpose of this Ordinance.

4. Powers and functions of nodal agencies.- (1) Subject to the superintendence, direction and control of the Government, the powers and functions of the nodal agencies shall be as follows:-

(a) to assist and facilitate establishment of enterprises in the State; and

(b) to maintain the records of Declaration of intent received and Acknowledgement Certificate issued under this Ordinance.

(2) The Government may assign such other powers and functions to the nodal agencies as it may deem fit for giving effect to the provisions of this Ordinance.

5. Filing of Declaration. - (1) Any person who intends to start an enterprise may furnish to the State level nodal agency a declaration of intent to start an enterprise in such form and in such manner as may be prescribed.

Explanation. - Any person who has moved the Competent Authority to so obtain all or any of the approvals as defined in clause (b) of section 2 before the commencement of this Ordinance may also opt to furnish declaration of intent to start an enterprise under this sub-section.

(2) On receipt of a declaration completed in all respects, the State level nodal agency shall, forthwith, issue an Acknowledgment Certificate, in the prescribed form to the person who furnished the declaration under sub-section (1).

6. Effect of the Acknowledgment Certificate.- (1) An acknowledgment certificate issued under section 5 shall for all purposes, have effect as if it is an approval as defined in clause (b) of section 2, for a period of three years from the date of its issuance and after the expiry of the said period of three years, the enterprise shall have to obtain required approvals as defined in clause (b) of section 2 within six months from the date of such expiry:

Provided that the enterprise may apply for necessary permission under the respective laws within a period of three years from the date of issuance of acknowledgment certificate:

Provided further that the acknowledgement certificate shall not entitle a person to use a land in deviation to the land use specified in the master plan wherever such plan is in force. It shall also not entitle a person to use the land falling in restricted category as specified in clause (b) of section 65B of the Gujarat Land Revenue Code, 1879:

Bom. V of 1879.

Provided also that any agricultural land on which a person wishes to start an enterprise shall be deemed to be a non-agricultural land under the provisions of section 65B of the Gujarat Land Revenue Code, 1879:

Bom. V of 1879.

Provided however that the enterprise shall not be given the relaxation from the provisions of-

- (i) section 73AA of the Gujarat Land Revenue Code, 1879;
- (ii) sections 43 and 63AA of The Gujarat Tenancy and Agricultural Lands Act, 1948;
- (iii) section 57 and 89A of the Gujarat Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, 1958;
- (iv) section 55 of the Saurashtra Gharkhed, Tenancy Settlement and Agricultural Lands Ordinance, 1949.

Bom. V of 1879.

Bom. LXVII of 1948.

Bom. XCIX of 1958.

Sau. Ord. XLI of 1949.

(2) During the period of three years specified in sub-section (1), no competent authority shall undertake any inspection for the purpose of or in connection with, any approval as defined in clause (b) of section 2:

Provided that the competent authority shall be empowered to undertake an inspection during the said period of three years in cases where the enterprise has applied for necessary permission under the respective laws within a period of three years from the date of issuance of acknowledgment certificate.

7. Exemption. - Where the Government or any authority under it is empowered to exempt any enterprises from any approval or inspection or any provisions relating thereto under any Central Act, the Government or, as

the case may be, any such authority shall, subject to the provisions of such Central Act, exercise such powers to grant such exemption to an enterprise established in the State for at least a period of three years from the date of issue of the acknowledgement certificate issued under sub-section (2) of section 5.

8. *Protection of action taken in good faith.* - No suit prosecution or other legal proceedings shall lie against the Government or Nodal Agency or Competent Authority or any employee of the Government, Nodal Agency or Competent Authority in respect of anything which is done or intended to be done in good faith under this ordinance or any rules made thereunder.

9. *Ordinance to override other laws.*- (1) The provisions of this Ordinance shall have effect, notwithstanding anything inconsistent therewith contained in any other State law, for the time being in force.

(2) In particular and without prejudice to the generality of the foregoing provisions of this ordinance, such provisions shall have effect notwithstanding anything inconsistent therewith contained in the following enactments and the provisions of these enactments shall be read as amended in conformity with the provisions of this Ordinance, namely:-

Bom. V of 1879.	(a) the Gujarat Land Revenue Code, 1879;
Bom. LXVII of 1948.	(b) the Gujarat Tenancy and Agricultural Lands Act, 1948;
Bom. LIX of 1949.	(c) the Gujarat Provincial Municipal Corporations Act, 1949;
Sau. Ord. XLI of 1949.	(d) the Saurashtra Gharkhed, Tenancy Settlement and Agricultural Lands Ordinance 1949;
Bom. XCIX of 1958.	(e) the Gujarat Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, 1958;
Guj. 34 of 1964.	(f) the Gujarat Municipalities Act, 1963;
President's Act 27 of 1976.	(g) the Gujarat Town Planning and Urban Development Act, 1976;
Guj. 18 of 1993.	(h) the Gujarat Panchayats Act, 1993.

10. *Savings.*- Subject to the provisions of section 7, nothing in this Ordinance shall be construed as exempting any enterprise from the application of the provisions of any law for the time being in force, or any regulatory measures and standards prescribed thereunder, except to the extent expressly provided in this Ordinance.

11. *Power to make rules.*- (1) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Ordinance.

(2) All rules made under this Ordinance shall be subject to the condition of previous publication.

(3) All rules made under this Ordinance shall be laid for not less than thirty days before the State Legislature as soon as may be after they are made and shall be subject to rescission by the State Legislature or to such modifications as the State Legislature may make during the session in which they are so laid or session immediately following.

(4) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette*, and shall thereupon take effect.

12. *Power to remove difficulties.*- (1) If any difficulty arises in giving effect to the provisions of this Ordinance, the Government may, by order published in the *Official Gazette*, make such provisions not inconsistent with the provisions of this Ordinance, as may appear to it to be necessary for removing the difficulty:

Provided that no such order under this section shall be made after the expiry of a period of two years from the commencement of this Ordinance.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made before the State Legislature.

STATEMENT

Liberalization and globalization have positive impact on the industrial development in the State. Despite Government's efforts to attract investment and promote industries, it is experienced that one of the most critical reform challenges lies in improving the ease of doing business. With a view to secure this objective, it was considered necessary to prepare a blue-print for betterment of the business environment in the State. The State Government has taken up the activities related to simplification of various procedures for establishment of industries from the view point of prospective investors in the Industrial Sector.

The State Government is committed towards creating an investor friendly atmosphere in the State. Many steps have been taken in the past few years to promote investment and make the State of Gujarat investor friendly State and for that it is considered necessary to have a law which shall provide for exemption from certain approvals and inspections for establishment and operation of the micro, small and medium enterprises in the State of Gujarat. The salient features of the Gujarat Micro, Small and Medium Enterprises (Facilitation of Establishment and Operation) Ordinance, 2019 are as under:

- (1) Any entrepreneur who intends to start an enterprise will apply online for 'Declaration of Intent' and an 'Acknowledgment Certificate' will be issued immediately to the entrepreneur by the Nodal Agency.
- (2) By putting in place a robust mechanism whereby just filling 'Declaration of Intent' on the portal the entrepreneur will get Acknowledgment Certificate immediately online.
- (3) The enterprise will be exempted from the approvals and clearances for three years.
- (4) after expiry of three years, the enterprise shall have to obtain required approvals within six months.

The said Ordinance shall be the major step to promote entrepreneurship and materialize investment by the State Government and it would be a major law to facilitate investment, foster innovation and increase employment opportunities.

As the Gujarat Legislative Assembly is not in session, this Ordinance is promulgated to achieve the aforesaid objects.

Gandhinagar.

ACHARYA DEVVRAT,

Dated the 22nd October, 2019.

Governor of Gujarat.

By order and in the name of the Governor of Gujarat,

M. K. DAS,

Principal Secretary to Government.



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. LX]

TUESDAY NOVEMBER 5, 2019/ KARTIKA 14, 1941

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations
made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the President on the 15th October, 2019 is hereby published for general information.

K. M. LALA,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 24 OF 2019.

(First published, after having received the assent of the President, in the "*Gujarat Government Gazette*", on the 5th November, 2019).

AN ACT

to make special provisions for prevention and control of terrorist acts and for coping with criminal activities by organised crime syndicates and for the matters connected therewith or incidental thereto.

It is hereby enacted in the Sixty-sixth year of the Republic of India as follows:

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Gujarat Control of Terrorism and Organised Crime Act, 2015.
- (2) It extends to whole of the State of Gujarat.
- (3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Short title, extent
and
commencement.

Definitions. 2.

- (1) In this Act, unless the context otherwise requires,—
- (a) "abet" with its grammatical variations and cognate expressions, includes—
- (i) the communication or association with any person with the actual knowledge or having reason to believe that such person is engaged in assisting in any manner an organised crime syndicate;
 - (ii) the passing on or publication of without any lawful authority, any information likely to assist the organised crime syndicate and the passing on or publication of or distribution of, any document or matter obtained from the organised crime syndicate; and
 - (iii) the rendering of any assistance, whether financial or otherwise, to the organised crime syndicate for committing an offence under this Act;
- (b) "Code" means the Code of Criminal Procedure, 1973; 2 of 1974.
- (c) "continuing unlawful activity" means an activity prohibited by law for the time being in force, which is a cognizable offence punishable with imprisonment for a term of three years or more, undertaken either singly or jointly, as a member of an organised crime syndicate or on behalf of such syndicate in respect of which more than one charge-sheets have been filed before a competent court within the preceding period of ten years and that court has taken cognizance of such offence;
- (d) "economic offences" include running of the ponzy schemes and the multi-level marketing schemes with a view to defraud the people at large for obtaining the monetary benefits or large scale organized betting in any form;
- (e) "organised crime" means any continuing unlawful activity and terrorist act including extortion, land grabbing, contract killing, economic offences, cyber crimes having severe consequences, running large scale gambling rackets, human trafficking racket for prostitution or ransom by an individual, singly or jointly, either as a member of an organised crime syndicate or on behalf of such syndicate, by use of violence or threat of violence or intimidation or coercion or other unlawful means;
- (f) "organised crime syndicate" means a group of two or more persons who, acting either singly or collectively, as a syndicate or gang indulging in activities of organised crime;
- (g) "Special Court" means the Special Court constituted under section 5;
- (h) "terrorist act" means an act committed with the intention to disturb public order or threaten the unity, integrity and security of the State or to strike terror in the minds of the people or any section of the people by doing an act using bombs, dynamite or any other

explosive substance or inflammable material or firearms or other lethal weapons or poison or noxious gases or other chemicals or any other substance (whether biological or otherwise) hazardous in nature in such a manner so as to cause or likely to cause death or injury to any public functionary or any person or loss due to damage or destruction of property or disruption of any supplies or services essential to the life of the community or an act of detaining any person and threatening to kill or injure such person in order to compel the State Government to do or abstain from doing any act.

- (2) Words and expressions used but not defined in this Act and defined in the Code shall have the meanings respectively assigned to them in the Code.

CHAPTER II

PUNISHMENT

3. (1) Whoever commits an offence of terrorist act or organised crime shall,-

Punishment for terrorist act and organised crime.

- (i) if such offence has resulted in the death of any person, be punishable with death or imprisonment for life and shall also be liable to fine which shall not be less than rupees ten lakhs ;
- (ii) in any other case, be punishable with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life and shall also be liable to fine which shall not be less than rupees five lakhs.

(2) Whoever conspires or attempts to commit or advocates, abets or knowingly facilitates the commission of any terrorist act or an organised crime or any act preparatory to any terrorist act or organised crime, shall be punishable with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life and shall also be liable to fine which shall not be less than rupees five lakhs.

(3) Whoever intentionally harbours or conceals or attempts to harbour or conceal any person who has committed an offence of any terrorist act or any member of an organised crime syndicate shall be punishable with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life and shall also be liable to fine which shall not be less than rupees five lakhs.

(4) Any person who is a member of an organised crime syndicate shall be punishable with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life and shall also be liable to fine which shall not be less than rupees five lakhs.

(5) Whoever holds any property derived, or obtained from commission of terrorist act or an organised crime or which has been acquired through the organised crime syndicate funds shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to imprisonment for life and shall also be liable to fine which shall not be less than rupees two lakhs.

Punishment
for possessing
unaccountable
property on
behalf of
member of
organised crime
syndicate.

4. If any person on behalf of a member of an organised crime syndicate is, or at any time has been in possession of movable or immovable property which he cannot satisfactorily account for, shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to imprisonment for ten years and shall also be liable to fine which shall not be less than rupees one lakh and such property shall also be liable for attachment and forfeiture, as provided by section 18.

CHAPTER III SPECIAL COURTS

Special
Courts.

5. (1) The State Government may, with the concurrence of the Chief Justice of the High Court of Gujarat, by notification in the *Official Gazette*, constitute one or more Special Courts for such area or areas, or for such case or class or group of cases, as may be specified in the notification.

(2) Where any question arises as to the jurisdiction of any Special Court, it shall be referred to the State Government whose decision in the matter shall be final.

(3) A Special Court shall be presided over by a judge to be appointed by the State Government with the concurrence of the Chief Justice of the High Court of Gujarat.

(4) The State Government may also appoint, with the concurrence of the Chief Justice of the High Court of Gujarat, additional judges to exercise jurisdiction of the Special Court.

(5) A person shall not be qualified for appointment as a judge or an additional judge of a Special Court unless he immediately before such appointment, is a sessions judge or an additional sessions judge, respectively.

(6) Where any additional judge is or additional judges are appointed in Special Court, the judge of the Special Court may, from time to time, by general or special order in writing provide for the distribution of the business of the Special Court among himself and the additional judge or additional judges and also for the disposal of urgent business in the event of his absence or the absence of any additional judge.

Jurisdiction of
Special Court.

6. Notwithstanding anything contained in the Code, every offence punishable under this Act shall be triable only by the Special Court within whose local jurisdiction it was committed or, as the case may be, by the Special Court constituted for trying such offence under sub-section (1) of section 5.

Powers of
Special Court
with respect
to other
offences.

7. (1) When trying any offence punishable under this Act, a Special Court may also try any other offence with which the accused may under the Code, be charged at the same trial if the offence is connected with such other offence.

(2) If, in the course of any trial of any offence under this Act, it is found that the accused person has committed any other offence under this Act or under any other law, the Special Court may convict such person of such other offence and pass any sentence or award punishment authorised by this Act or, as the case may be, under such other law.

8. (1) The State Government shall appoint, for every Special Court, a person to be the Public Prosecutor and may appoint one or more persons to be the Additional Public Prosecutor and may also appoint for any case or class or group of cases, a Special Public Prosecutor. **Public Prosecutor.**
- (2) A person shall not be qualified to be appointed as a Public Prosecutor, Additional Public Prosecutor or Special Public Prosecutor unless he has been in practice as an Advocate for a period of not less than ten years.
- (3) Every person appointed as a Public Prosecutor or Additional Public Prosecutor or Special Public Prosecutor under this section shall be deemed to be a 'Public Prosecutor' within the meaning of clause (u) of section 2 of the Code, and the provisions of the Code shall have effect accordingly.
9. (1) Subject to the provisions of section 22, a Special Court may take cognizance of any offence, without the accused being committed to it for trial, upon receiving a complaint of facts which constitute such offence or upon a police report of such facts. **Procedure and powers of Special Court.**
- (2) Where an offence triable by a Special Court is punishable with imprisonment for a term not exceeding three years or with fine or with both, the Special Court may, notwithstanding anything contained in sub-section (1) of section 260 or section 262 of the Code, try the offence in a summary way in accordance with the procedure prescribed in the Code and the provisions of sections 263 to 265 of the Code shall, as far as may be, apply to such trial:
- Provided that where in the course of summary trial under this sub-section, it appears to the Special Court that the nature of the case is such that it is undesirable to try in a summary way, the Special Court shall recall any witnesses who may have been examined and proceed to re-hear the case in the manner as provided by the provisions of the Code for the trial of such offence and the said provisions shall apply to and in relation to, a Special Court as they apply to and in relation to, a Magistrate:
- Provided further that in case of any conviction in summary trial under this section, it shall be lawful for a Special Court to pass a sentence of imprisonment for a term not exceeding two years.
- (3) Subject to the other provisions of this Act, a Special Court shall, for the purpose of trial of any offence, have all the powers of a Court of Session and shall try such offence as if it were a Court of Session so far as may be, in accordance with the procedure prescribed in the Code for the trial before a Court of Session.
10. The trial of any offence by a Special Court under this Act shall have precedence over the trial of any other case against the accused in any other court (not being a Special Court) and shall be concluded in preference of the trial of such other case and accordingly the trial of such other cases in any other court shall remain in abeyance. **Trial by Special Court to have precedence.**
11. Where, after taking cognizance of an offence, a Special Court is of the opinion that the offence is not triable by it, it shall, notwithstanding that it has no jurisdiction to try such offence, transfer the case for trial of such offence to the Court having jurisdiction under the Code and the Court to which the case is transferred shall proceed with the trial of the offence as if it has taken cognizance of the offence. **Power to transfer cases to regular Courts.**

Transitional provisions and transfer of pending proceedings.

12. (1) The jurisdiction conferred by this Act on a Special Court, shall, until a Special Court is constituted under section 5, in the case of any offence punishable under this Act, notwithstanding anything contained in the Code, be exercised by the Court of Session of the division in which such offence has been committed and it shall have all the powers and follow the procedure as provided under this Act.

(2) On and from the date when the Special Court is constituted under section 5, every trial under the provisions of this Act, which would have been required to be held before the Special Court, shall stand transferred to that court.

Appeal.

13. (1) Notwithstanding anything contained in the Code, an appeal shall lie from any judgment, sentence or order, not being an interlocutory order, of a Special Court to the High Court.

(2) Every appeal under sub-section (1) shall be preferred within thirty days from the date of the judgment, sentence or order by the accused.

(3) In computing the period of limitation, the provisions of sections 4 and 12 of the Limitation Act, 1963 shall, so far as may be, apply.

36 of 1963.

CHAPTER IV

INTERCEPTION OF COMMUNICATION AND ATTACHMENT OF PROPERTY

Admissibility of evidence collected through interception.

14. Notwithstanding anything contained in the Code or in any other law for the time being in force, the evidence collected through the interception of wire, electronic or oral communication under the provisions of any other law shall be admissible as evidence against the accused in the Court during the trial of a case:

Provided that the contents of any wire, electronic or oral communication intercepted or evidence derived therefrom shall not be received in evidence or otherwise disclosed in any trial, hearing or other proceeding in any Court unless each accused has been furnished, not less than ten days before the trial, hearing or proceeding, with a copy of the order of the relevant Authority, under which the interception was authorised or approved:

Provided further that the period of ten days may be waived by the judge trying the offence, if he comes to the conclusion that it was not possible to furnish the accused with the aforesaid information ten days before the trial, hearing or proceeding and that the accused may not be prejudiced by the delay in receiving such information.

Special rules of evidence.

15. (1) Notwithstanding anything contained in the Code or the Indian Evidence Act, 1872, for the purposes of trial and punishment for offences under this Act or connected offences, the court may take into consideration as having probative value, the fact that the accused was,-

1 of 1872.

- (a) detained and where such detention has been confirmed by the competent authority under any law relating to preventive detention subject to the order, if any, of any competent court: or
- (b) on any previous occasion prosecuted under the provisions of this Act."

(2) Where it is proved that any person involved in any terrorist act or an organised crime or any person on his behalf is or has at any time been in possession of movable or immovable property which he cannot satisfactorily account for, the Special Court shall, unless contrary is proved, presume that such property or pecuniary resources have been acquired or derived by his illegal activities.

(3) Where it is proved that the accused has kidnapped or abducted any person, the Special Court shall presume that it was for ransom.

1 of 1872.

16. (1) Notwithstanding anything in the Code or in the Indian Evidence Act, 1872, but subject to the provisions of this section, a confession made by a person before a police officer not below the rank of the Superintendent of Police, or for the areas where the Commissioner of Police is appointed by the State Government, before a police officer not below the rank of the Superintendent of Police and recorded by such police officer either in writing or on any mechanical or electronic devices like cassettes, tapes or sound tracks from which sounds or images can be reproduced, shall be admissible in the trial of such accused, co-accused, abettor or conspirator for an offence under the provisions of this Act:

Certain confessions made to police officer to be taken into consideration.

Provided that the co-accused, abettor or conspirator is charge-sheeted and tried in the same case together with the accused.

(2) The confession made under sub-section (1) shall be recorded in the atmosphere free from threat and inducement and shall be in the same language in which the person makes it.

(3) The Police officer shall, before recording any confession by the person under sub-section (1), explain to such person that he is not bound to make a confession and that, if he does so, it may be used as evidence against him:

Provided that such police officer shall not record any such confession unless, upon questioning the person making it, he is satisfied that the confession is being made voluntarily.

(4) The concerned police officer shall, after recording such voluntary confession, certify in writing below the confession about his personal satisfaction of the voluntary character of the confession and mention the date and time of the same.

(5) Every confession recorded under sub-section (1) shall be sent in original forthwith to the Chief Metropolitan Magistrate or the Chief Judicial Magistrate having jurisdiction over the area in which such confession has been recorded and such Magistrate shall forward the recorded confession in original so received to the Special Court which may take cognizance of the offence.

(6) The person from whom a confession has been recorded under sub-section (1) shall be produced, within forty-eight hours, before the Chief Metropolitan Magistrate or the Chief Judicial Magistrate to whom the confession is required to be sent under sub-section (5), alongwith the statement of confession, written or recorded on mechanical or electronic device which would be in its original form without any edition or being tempered with in anyway.

(7) The Chief Metropolitan Magistrate or the Chief Judicial Magistrate shall, record the statement, if any, made by the accused so produced and get his signature or thumb impression and if there is any complaint of torture, the accused shall be directed to be produced for medical examination before Civil Surgeon.

Protection of
witnesses.

17. (1) Notwithstanding anything contained in the Code, the proceedings under this Act may be held in camera, if the Special Court so desires.

(2) A Special Court, on an application made by a witness in any proceeding before it or by the Public Prosecutor in relation to such witness or on its own motion, is satisfied that life of such witness is in danger, it may take such measures as it deems fit for keeping secret the identity and address of any witness.

(3) In particular, and without prejudice to the generality of the provisions of sub-section (2), the measures which a Special Court may take under that sub-section may include -

- (a) the holding of the proceedings at a place to be decided by the Special Court;
- (b) the avoiding of the mention of the names and addresses of the witnesses in its orders or judgements or in any records of the case accessible to public ;
- (c) the issuing of any directions for securing that the identity and addresses of the witnesses are not disclosed;
- (d) a decision that it is in the public interest to order that all or any of the proceedings pending before such a Court shall not be published in any manner.-

(4) Any person who contravenes any decision or direction issued under sub-section (3) shall be punishable with imprisonment for a term which may extend to one year and with fine which may extend to one thousand rupees.

Attachment
and forfeiture
of property.

18. (1) No person shall hold or be in possession of any proceeds of any terrorist act or organised crime.

(2) If an officer, investigating an offence committed under this Act, has reason to believe that any property in relation to which an investigation is being conducted, represents proceeds of any terrorist act or organised crime, he shall, with the prior approval in writing of the State Government make an order seizing such property, movable or immovable or both, and where it is not practicable to seize such property, make an order of attachment directing that such property shall not be transferred or otherwise dealt with except with the prior permission of the officer making such order or, as the case may be, the Special Court and a copy of such order shall be served on the person concerned.

(3) The investigating officer shall duly inform the Special Court, within forty-eight hours of the seizure or attachment of such property.

(4) It shall be open to the Special Court either to confirm or revoke the order of seizure or attachment made under sub-section (2):

Provided that the Special Court shall not pass an order unless an opportunity of making representation is given to the person whose property is being attached.

- (5) (a) If, upon a report in writing made by an investigating officer, the Special Court has reason to believe that any person who has committed an offence punishable under this Act has absconded or is concealing himself so that he may not be apprehended, the Special Court may, notwithstanding anything contained in section 82 of the Code, publish a written proclamation requiring him to appear at a specified place and at a specified time not less than fifteen days but not more than thirty days from the publication of such proclamation:

Provided that the investigating officer shall not make a report to the Special Court for issuing the proclamation until he tried and failed to arrest the accused who has absconded or is concealing himself, within a period of three months from the date of registering the offence against such person.

(b) The Special Court issuing a proclamation under clause (a) may, at any time, pass an order for attachment of any property, movable or immovable or both belonging to such accused and thereupon the provisions of sections 83 to 85 of the Code shall apply to such attachment.

(c) If the accused fails to appear before a Special Court as specified in the proclamation within a period of three months from the date of publication of proclamation, the Special Court shall pass an order for forfeiture of such property free from all encumbrances.

(d) If within a period of six months from the date of forfeiture of property under clause (c), the accused whose property has been forfeited, appears voluntarily before the Special Court and proves to the satisfaction of the Court that he did not abscond or conceal himself for the purpose of avoiding apprehension and that he had not received such notice of proclamation, the Special Court may pass an order for revoking the order of forfeiture of such property.

- (6) Where the accused has been convicted of any offence punishable under this Act, the Special Court may, in addition to awarding any punishment, by order in writing, declare that any property, movable or immovable or both belonging to the accused and specified in the order shall stand forfeited to the State Government free from all encumbrances.

Explanation.- For the purpose of this section "proceeds of any terrorist act or organised crime" means all kind of properties which have been derived or obtained from commission of any terrorist act or organised crime or have been acquired through funds traceable to any terrorist act or organised crime and shall include cash, irrespective of person in whose name such proceeds are standing or in whose possession they are found.

19. Where, after issue of order of seizure or attachment made under section 18, any property referred to in such order is transferred by any mode whatsoever, such transfer shall, for the purpose of proceedings under this Act, be ignored and if such property is subsequently forfeited, the transfer of such property shall be deemed to be null and void.

Certain
transfers to be
null and void.

CHAPTER V

MISCELLANEOUS

Modified
application
of certain
provisions
of Code.

20. (1) Notwithstanding anything contained in the Code or in any other law, every offence punishable under this Act shall be deemed to be a 'cognizable offence' within the meaning of clause (c) of section 2 of the Code and 'cognizable case' as defined in that clause and shall be construed accordingly.

(2) Section 167 of the Code shall apply in relation to a case involving an offence punishable under this Act subject to the modifications that in sub-section (2), -

- (a) the reference to "fifteen days" and "sixty days", wherever they occur, shall be construed as references to "thirty days" and "ninety days", respectively ;
- (b) after the existing proviso, the following proviso shall be inserted, namely :-

"Provided further that if it is not possible to complete the investigation within the said period of ninety days, the Special Court shall extend the said period upto one hundred and eighty days on the report of the Public Prosecutor indicating the progress of the investigation and the specific reasons for detention of the accused beyond the said period of ninety days."

(3) Nothing in section 438 of the Code shall apply in relation to any case involving the arrest of any person accused of having committed an offence punishable under this Act.

(4) Notwithstanding anything contained in the Code, no person accused of an offence punishable under this Act shall, if in custody, be released on bail or on his own bond, unless -

- (a) the Public Prosecutor has been given an opportunity to oppose the application of such release; and
- (b) where the Public Prosecutor opposes the application, the Special Court is satisfied that there are reasonable grounds for believing that accused is not guilty of committing such offence and that he is not likely to commit any offence while on bail.

(5) Notwithstanding anything contained in the Code, the accused shall not be granted bail if it is noticed by the Special Court that he was on bail in an offence under this Act, or under any other Act on the date of the offence in question.

(6) The restriction on granting of bail specified in sub-sections (4) and (5) are in addition to the restriction under the Code or any other law for the time being in force on the granting of bail.

(7) The police officer seeking the custody of any person for pre-indictment or pre-trial interrogation from the judicial custody shall file a written statement explaining the reasons for seeking such custody and also for the delay, if any, in seeking the police custody.

Presumption as to
offences under
section 3.

21. (1) In a prosecution for an offence of terrorist act or organised crime punishable under section 3, if it is proved -

- (a) that unlawful arms and other material including relevant documents or papers were recovered from the possession of the accused and there is a reason to believe that such unlawful arms and other material including such documents or papers were used in the commission of such offence; or
- (b) that by the evidence of an expert, the finger prints of the accused were found at the site of the offence or on anything including unlawful arms and other materials like relevant documents or papers and vehicles used in connection with the commission of such offence,

the Special Court shall presume, unless the contrary is proved, that the accused had committed such offence.

(2) In a prosecution for an offence punishable under sub-section (2) of section 3, if it is proved that the accused rendered any financial assistance to a person, having knowledge that such person is accused of, or reasonably suspected of, an offence of terrorist act or organised crime, the Special Court shall presume, unless the contrary is proved, that such person has committed the offence under the said sub-section (2).

22. (1) Notwithstanding anything contained in the Code,-

- (a) no information about the commission of an offence of organised crime under this Act, shall be recorded by a police officer without the prior approval of the police officer not below the rank of officer in charge of range of the concerned Districts or the Commissioner of Police, as the case may be;
- (b) no investigation of an offence under the provisions of this Act shall be carried out by a police officer below the rank of the Deputy Superintendent of Police, or for the areas where the Commissioner of Police is appointed by the State Government, by a police officer below the rank of the Deputy Superintendent of Police.

Cognizance of, and investigation into, an offence.

(2) No Special Court shall take cognizance of any offence under this Act without the previous sanction of the State Government.

23. Whoever, being a public servant, renders any help or support in any manner in the commission of terrorist act or organised crime as defined in clause (e) and clause (h) of section 2, whether before or after the commission of any offence by a member of an organised crime syndicate or abstains from taking lawful measures under this Act or intentionally avoids to carry out the directions of any Court or of the superior police officers in this respect, shall be punished with imprisonment of either description for a term which may extend to three years and with fine.

Punishment for public servants failing in discharge of their duties.

24. The provisions of this Act and the rules or any order made thereunder shall have effect notwithstanding anything inconsistent effect therewith contained in any other law for the time being in force or in any instrument having the force of law.

Overriding effect.

25. No suit, prosecution or other legal proceeding shall lie against the State Government or any officer or authority of the State Government for anything which is in good faith done or intended to be done in pursuance of this Act and the rules or any order made thereunder.

Protection of action taken in good faith.

Power of High Court to make rules. 26. The High Court may, by notification in the *Official Gazette*, make such rules relating to the Special Courts, as it may deem necessary for carrying out the provisions of this Act,

Power of State Government to make rules. 27. (1) Without prejudice to the powers of the High Court to make rules under section 26, the State Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act.

(2) All rules made under this Act shall be laid for not less than thirty days before the State Legislature as soon as may be after they are made and shall be subject to rescission by the State Legislature or to such modification as the State Legislature may make during the session in which they are so laid or the session immediately following.

(3) Any rescission or modification so made by the State Legislature shall be published immediately in the *Official Gazette* and shall thereupon take effect.



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. LX | WEDNESDAY, NOVEMBER 27, 2019/ AGRAHAYANA 6, 1941

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations
made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the President on the 15th November, 2019 is hereby published for general information.

K. M. LALA,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 25 OF 2019.

(First published, after having received the assent of the President, in the "*Gujarat Government Gazette*", on the 27th November, 2019).

AN ACT

further to amend the Indian Partnership Act, 1932 in its application to the State of Gujarat.

It is hereby enacted in the Seventieth Year of the Republic of India as follows:-

1. (1) This Act may be called the Indian Partnership (Gujarat Amendment) Act, 2019. **Short title and commencement.**
- (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Substitution of 2. In the Indian Partnership Act, 1932, in its application to the State of Gujarat, **9 of 1932.**
Schedule of I of 9 for Schedule I, the following Schedule shall be substituted, namely:-
of 1932.

"SCHEDULE I

MAXIMUM FEES

(See sub-section (1) of section 71)

Document or act in respect of which the fee is payable	Maximum fee
Statement under section 58	Three hundred rupees.
Statement under section 60	One hundred fifty rupees
Intimation under section 61	One hundred fifty rupees
Intimation under section 62	One hundred fifty rupees
Notice under section 63	One hundred fifty rupees
Application under section 64	One hundred fifty rupees
Inspection of the Register of Firms under sub-section (1) of section 66	Fifty rupees for inspecting one volume of the register
Inspection of documents relating to a firm under sub-section (2) of section 66	Fifty rupees for inspection of all documents relating to one firm
Copies from the Register of Firms	Fifty rupees for each hundred words or part thereof."



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. LX | TUESDAY, DECEMBER 17, 2019/ AGRAHAYANA 26, 1941

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations
made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 16th December, 2019 is hereby published for general information.

K. M. LALA,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 26 OF 2019.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 17th December, 2019).

AN ACT

to provide for exemption from certain approvals and inspections for establishment and operation of the micro, small and medium enterprises in the State of Gujarat and matters connected therewith or incidental thereto.

It is hereby enacted in the Seventieth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Micro, Small and Medium Enterprises (Facilitation of Establishment and Operation) Act, 2019.

**Short title,
extent and
commencement.**

- (2) It extends to the whole of the State of Gujarat.
- (3) It shall be deemed to have come into force on the 24th October, 2019.

Definitions. 2. In this Act, unless the context otherwise requires:-

- (a) “Acknowledgement Certificate” means the acknowledgement certificate issued under section 5;
- (b) “approval” means any permission, no-objection, clearance, consent, approval, registration, license and the like, required under any State Law in connection with the establishment or operation of an enterprise in the State of Gujarat;
- (c) “Competent Authority” means any department or agency of the Government or local authority, statutory body, State owned corporation, Panchayati Raj Institution, Municipality, Urban Development Authorities, Urban Improvement Trusts or any other authority or agency constituted or established by or under any State Law or under administrative control of the Government, which is entrusted with the powers or responsibilities to grant or issue approval for establishment or operation of an enterprise in the State;
- (d) “District Level Facilitation Committee (DLFC)” means the District Level Facilitation Committee constituted under section 5 of the Gujarat Single window Clearances Act, 2017;
- (e) “enterprise” means a micro, small or medium enterprise;
- (f) “Government” means the Government of Gujarat;
- (g) “micro, small or medium enterprise” means the Micro, Small or Medium Enterprises, as defined in the Micro, Small and Medium Enterprises Development Act, 2006;
- (h) “nodal agency” means the nodal agency referred to in section 3;

Guj. 29 of 2017.

27 of 2006.

Guj. 29 of
2017.

- (i) “prescribed” means prescribed by rules made under this Act;
- (j) “State” means the State of Gujarat;
- (k) “Single Window Facilitation Committee (SWFC)” means the Single window Facilitation Committee constituted under section 6 of the Gujarat Single window Clearances Act, 2017;
- (l) “Undertaking” means a letter to be taken from enterprise under a prescribed format to include that the enterprise shall ensure appropriate labour welfare measures, adequate fire safety and environmental measures as required by the law.

3. (1) Subject to superintendence, direction and control of the Government, the Investor Facilitation Agency (IFA) constituted under section 8 of the Gujarat Single window Clearances Act, 2017 shall be the State level Nodal Agency for the purposes of this Act.

**Nodal
Agency.**

(2) Subject to superintendence, direction and control of the Government and the District Level Facilitation Committee, the District Industries Centre (DIC) shall be the District level Nodal Agency for the purposes of this Act.

4. (1) Subject to the superintendence, direction and control of the Government, the powers and functions of the nodal agencies shall be as follows:-

**Powers
and
functions
of nodal
agencies.**

- (a) to assist and facilitate establishment of enterprises in the State; and
- (b) to maintain the records of declaration of intent received and Acknowledgement Certificate issued under this Act.

(2) The Government may assign such other powers and functions to the nodal agencies as it may deem fit for giving effect to the provisions of this Act.

Filing of Declaration. 5. (1) Any person who intends to start an enterprise may furnish to the State level nodal agency a declaration of intent to start an enterprise in such form and in such manner as may be prescribed.

Explanation. - Any person who has applied to the Competent Authority to obtain all or any of the approvals as referred to in clause (b) of section 2 before the commencement of this Act may also opt to furnish declaration of intent to start an enterprise under this sub-section.

(2) On receipt of a declaration of intent, the State level nodal agency shall, forthwith, issue an Acknowledgment Certificate, in the prescribed form to the person who furnished the declaration under sub-section (1).

6. (1) An Acknowledgment Certificate issued under section 5 shall for all purposes, have effect as if it is an approval as referred to in clause (b) of section 2, for a period of three years from the date of its issuance and after the expiry of the said period of three years, the enterprise shall have to obtain required approval as referred to in clause (b) of section 2 within six months from the date of such expiry:

Effect of the Acknowledgment Certificate.

Provided that the enterprise may apply for necessary permission under the respective laws within a period of three years from the date of issuance of acknowledgment certificate:

Provided further that such Acknowledgement Certificate shall not entitle a person to use a land in deviation to the land use specified in the master plan wherever such plan is in force:

Provided also that the Acknowledgement Certificate shall not entitle a person to use the land falling in restricted category as specified in clause (b) of section 65B of the Gujarat Land Revenue Code, 1879:

Bom. V of 1879.

Provided also that any agricultural land on which a person wishes to start an enterprise shall be deemed to be a non-agricultural land under the provisions of section 65B of the Gujarat Land Revenue Code, 1879:

Bom. V of 1879.

Provided however that the relaxation shall not be given to the enterprise from the provisions of-

- | | |
|-----------------------------------|---------------------------------------------------------------------------------------------------------------------|
| Bom. V
of 1879. | (i) section 73AA of the Gujarat Land Revenue Code, 1879; |
| Bom. LXVII
of 1948. | (ii) sections 43 and 63AA of the Gujarat Tenancy and Agricultural Lands Act, 1948; |
| Bom. XCIX
of 1958. | (iii) sections 57 and 89A of the Gujarat Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, 1958; |
| Sau. Ord. XLI
of 1949. | (iv) section 55 of the Saurashtra Gharkhed, Tenancy Settlement and Agricultural Lands Ordinance, 1949. |

(2) During the period of three years as specified in sub-section (1), no competent authority shall undertake any inspection for the purpose of or in connection with, any approval as defined in clause (b) of section 2:

Provided that the competent authority shall be empowered to undertake an inspection during the said period of three years in cases where the enterprise has applied for necessary permission under the respective laws within a period of three years from the date of issuance of acknowledgment certificate.

7. Where the Government or any authority under it is empowered to exempt any enterprises from any approval or inspection or any provisions relating thereto under any Central Act, the Government or, as the case may be, any such authority shall, subject to the provisions of such Central Act, exercise such powers to grant such exemption to an enterprise established in the State for at least a period of three years from the date of issue of the acknowledgement certificate issued under sub-section (2) of section 5.

Exemption.

8. No suit prosecution or other legal proceedings shall lie against the Government or Nodal Agency or Competent Authority or any employee of the Government, Nodal Agency or Competent Authority in respect of anything which is done or intended to be done in good faith under this Act or any rules made thereunder.

**Protection
of action
taken in
good faith.**

**Act to
override
other
laws.**

9. (1) The provisions of this Act shall have effect, notwithstanding anything inconsistent therewith contained in any other State law, for the time being in force.

(2) In particular and without prejudice to the generality of the foregoing provisions of this Act, such provisions shall have effect notwithstanding anything inconsistent therewith contained in the following enactments and the provisions of these enactments shall be read as amended in conformity with the provisions of this Act, namely:-

Bom. V of 1879.

**Bom. LXVII
of 1948.**

**Bom. LIX
of 1949.**

**Sau. Ord. XLI
of 1949.**

**Bom. XCIX
of 1958.**

Guj. 34 of 1964.

**President's
Act 27 of 1976.**

Guj. 18 of 1993.

- (a) the Gujarat Land Revenue Code, 1879;
- (b) the Gujarat Tenancy and Agricultural Lands Act, 1948;
- (c) the Gujarat Provincial Municipal Corporations Act, 1949;
- (d) the Saurashtra Gharkhed, Tenancy Settlement and Agricultural Lands Ordinance 1949;
- (e) the Gujarat Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, 1958;
- (f) the Gujarat Municipalities Act, 1963;
- (g) the Gujarat Town Planning and Urban Development Act, 1976;
- (h) the Gujarat Panchayats Act, 1993.

Savings.

10. Subject to the provisions of section 7, nothing in this Act shall be construed as exempting any enterprise from the application of the provisions of any law for the time being in force, or any regulatory measures and standards prescribed thereunder, except to the extent expressly provided in this Act.

**Power
to make
rules.**

11. (1) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act.
(2) All rules made under this Act shall be subject to the condition of previous publication.

(3) All rules made under this Act shall be laid for not less than thirty days before the State Legislature as soon as may be after they are made and shall be subject to rescission by the State Legislature or to such modifications as the State Legislature may make during the session in which they are so laid or session immediately following.

(4) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette*, and shall thereupon take effect.

12. (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the *Official Gazette*, make such provisions not inconsistent with the provisions of this Act, as may appear to it to be necessary for removing the difficulty:

**Power to
remove
difficulties.**

Provided that no such order under this section shall be made after the expiry of a period of two years from the commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made before the State Legislature.

**Guj. Ord. 1
of 2019.**

13. (1) The Gujarat Micro, Small and Medium Enterprises (Facilitation of Establishment and Operation) Ordinance, 2019 is hereby repealed.

**Repeal and
savings.**

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance, shall be deemed to have been done or taken under this Act.



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. LX | TUESDAY, DECEMBER 17, 2019/ AGRAHAYANA 26, 1941

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations
made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 16th December, 2019 is hereby published for general information.

K. M. LALA,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 27 OF 2019.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 17th December, 2019).

AN ACT

further to amend the Gujarat Electricity Duty Act, 1958.

It is hereby enacted in the Seventieth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Electricity Duty (Second Amendment) Act, 2019.

**Short title and
commencement.**

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

**Amendment
of section 3
of Bom. XL
of 1958.**

- 2.** In the Gujarat Electricity Duty Act, 1958, in section 3, in sub-section (2), in clause (v-a), the words “and on such terms and conditions as may be specified therein” shall be added at the end.

**Bom. XL
of 1958.**



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. LX | TUESDAY, DECEMBER 17, 2019/ AGRAHAYANA 26, 1941

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations
made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 17th December, 2019 is hereby published for general information.

K. M. LALA,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 28 OF 2019.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 17th December, 2019).

AN ACT

further to amend the Gujarat State Higher Education Council Act, 2016.

It is hereby enacted in the Seventieth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat State Higher Education Council (Amendment) Act, 2019. **Short title and commencement.**

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

**Amendment of
section 4 of
Guj. 1 of 2017.**

2. In the Gujarat State Higher Education Council Act, 2016 **Guj. 1
of 2017.**
(hereinafter referred to as “the principal Act”), in section 4,-

(i) in sub-section (1), under the heading “B. Other Members”, for clause (vi), the following clause shall be substituted, namely:-

“(vi) the Additional Chief Secretary/Principal Secretary or, as the case may be, the Secretary to the Government of Gujarat, Higher and Technical Education shall be the Member-Secretary of the Council.”;

(ii) in the marginal note, the word “Governing” shall be deleted.

**Amendment of
section 11 of
Guj. 1 of 2017.**

3. In the principal Act, in section 11, the portion beginning with words “The Executive Committee” and ending with the words “who have completed more than ten year of service” shall be numbered as sub-section (1) of that section and after sub-section (1) as so numbered, the following sub-section shall be inserted, namely:-

“(1A) The Commissioner of Higher Education, Gujarat State shall be the Member-Secretary of the Executive Committee.”.

**Amendment of
section 12 of
Guj. 1 of 2017.**

4. In the Principal Act, in section 12,-

(1) proviso to clause (i) shall be deleted;

(2) clauses (ix) and (x) shall be deleted.



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. LX | TUESDAY, DECEMBER 17, 2019/ AGRAHAYANA 26, 1941

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations
made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 17th December, 2019 is hereby published for general information.

K. M. LALA,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 29 OF 2019.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 17th December, 2019).

AN ACT

further to amend the *Gujarat Goods and Service Tax Act, 2017*.

It is hereby enacted in the Seventieth Year of the Republic of India as follows:-

- | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|
| <p>1. (1) This Act may be called the Gujarat Goods and Services Tax (Amendment) Act, 2019.</p> <p>(2) It shall come into force on such date as the State Government may, by notification in the <i>Official Gazette</i>, appoint.</p> | <p>Short title and commencement.</p> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|

Amendment
of section 2 of
Guj. 25 of
2017.

2. In the Gujarat Goods and Services Tax Act, 2017 (hereinafter referred as “the principal Act”), in section 2, in clause (4), after the words “the Appellate Authority for Advance Ruling,”, the words “the National Appellate Authority for Advance Ruling,” shall be inserted.

Guj. 25 of
2017.

Amendment
of section 10
of Guj. 25 of
2017.

3. In the principal Act, in section 10,-
- (a) in sub-section (1), after the second proviso, the following Explanation shall be inserted, namely:—
- “*Explanation.*— For the purposes of second proviso, the value of exempt supply of services provided by way of extending deposits, loans or advances in so far as the consideration is represented by way of interest or discount shall not be taken into account for determining the value of turnover in the State.”;
- (b) in sub-section (2),—
- (i) in clause (d), the word “and” occurring at the end shall be omitted;
- (ii) in clause (e), for the word “Council:”, the words “Council; and” shall be substituted;
- (iii) after clause (e), the following clause shall be inserted, namely:—
- “(f) he is neither a casual taxable person nor a non-resident taxable person.”;
- (c) after sub-section (2), the following sub-section shall be added, namely:—
- “(2A) Notwithstanding anything to the contrary contained in this Act, but subject to the provisions of sub-sections (3) and (4) of section 9, a registered person, not eligible to opt to pay tax under sub-section (1) and sub-section (2), whose aggregate turnover in the preceding financial year did not exceed fifty lakh rupees, may opt to pay, in lieu of the tax payable by him under sub-section (1) of section 9, an amount of tax calculated at such rate as may be prescribed, but not exceeding three per cent. of the turnover in the State, if he is not—

- (a) engaged in making any supply of goods or services which are not leviable to tax under this Act;
- (b) engaged in making any inter-State outward supplies of goods or services;
- (c) engaged in making any supply of goods or services through an electronic commerce operator who is required to collect tax at source under section 52;
- (d) a manufacturer of such goods or supplier of such services as may be notified by the Government on the recommendations of the Council; and
- (e) a casual taxable person or a non-resident taxable person:

Provided that where more than one registered person are having the same Permanent Account Number issued under the Income-tax Act, 1961, the registered persons shall not be eligible to opt for the scheme under this sub-section unless all such registered persons opt to pay tax under this sub-section.”;

- (d) in sub-section (3), after the words, brackets and figure “under sub-section (1)” at both the places where they occur, the words, brackets, figure and letter “or sub-section (2A), as the case may be,” shall be inserted;
- (e) in sub-section (4), after the words, brackets and figure “of sub-section (1)”, the words, brackets, figure and letter “or, as the case may be, sub-section (2A)” shall be inserted;
- (f) in sub-section (5), after the words, brackets and figure “under sub-section (1)”, the words, brackets, figure and letter “or sub-section (2A), as the case may be,” shall be inserted;
- (g) after sub-section (5), the following Explanations shall be inserted, namely:—

“Explanation 1.—For the purposes of computing aggregate turnover of a person for determining his eligibility to pay tax under this section, the expression “aggregate turnover” shall include the value of supplies made by such person from the 1st

day of April of a financial year up to the date when he becomes liable for registration under this Act, but shall not include the value of exempt supply of services provided by way of extending deposits, loans or advances in so far as the consideration is represented by way of interest or discount.

Explanation 2.—For the purposes of determining the tax payable by a person under this section, the expression “turnover in the State” shall not include the value of following supplies, namely:—

- (i) supplies from the first day of April of a financial year up to the date when such person becomes liable for registration under this Act; and
- (ii) exempt supply of services provided by way of extending deposits, loans or advances in so far as the consideration is represented by way of interest or discount.’.

**Amendment 4.
of section 22
of Guj. 25 of
2017.**

In the principal Act, in section 22, in sub-section (1), after the second proviso, the following shall be inserted, namely:—

“Provided also that the Government may, on the recommendations of the Council, enhance the aggregate turnover from twenty lakh rupees to such amount not exceeding forty lakh rupees in case of supplier who is engaged exclusively in the supply of goods, subject to such conditions and limitations, as may be notified.

Explanation.—For the purposes of this sub-section, a person shall be considered to be engaged exclusively in the supply of goods even if he is engaged in exempt supply of services provided by way of extending deposits, loans or advances in so far as the consideration is represented by way of interest or discount.”.

- 5.** In the principal Act, in section 25, after sub-section (6), the following sub-sections shall be inserted, namely:—

“(6A) Every registered person shall undergo authentication, or furnish

**Amendment
of section 25
of Guj. 25 of
2017.**

proof of possession of Aadhaar number, in such form and manner and within such time as may be prescribed:

Provided that if an Aadhaar number is not assigned to the registered person, such person shall be offered alternate and viable means of identification in such manner as Government may, on the recommendations of the Council, prescribe:

Provided further that in case of failure to undergo authentication or furnish proof of possession of Aadhaar number or furnish alternate and viable means of identification, registration allotted to such person shall be deemed to be invalid and the other provisions of this Act shall apply as if such person does not have a registration.

- (6B) On and from the date of notification, every individual shall, in order to be eligible for grant of registration, undergo authentication, or furnish proof of possession of Aadhaar number, in such manner as the Government may, on the recommendations of the Council, specify in the said notification:

Provided that if an Aadhaar number is not assigned to an individual, such individual shall be offered alternate and viable means of identification in such manner as the Government may, on the recommendations of the Council, specify in the said notification.

- (6C) On and from the date of notification, every person, other than an individual, shall, in order to be eligible for grant of registration, undergo authentication, or furnish proof of possession of Aadhaar number of the Karta, Managing Director, whole time Director, such number of partners, Members of Managing Committee of Association, Board of Trustees, authorised representative, authorised signatory and such other class of

persons, in such manner, as the Government may, on the recommendations of the Council, specify in the said notification:

Provided that where such person or class of persons have not been assigned the Aadhaar Number, such person or class of persons shall be offered alternate and viable means of identification in such manner as the Government may, on the recommendations of the Council, specify in the said notification.

- (6D) The provisions of sub-section (6A) or sub-section (6B) or sub-section (6C) shall not apply to such person or class of persons or part of the State, as the Government may, on the recommendations of the Council, specify by notification.

Explanation.—For the purposes of this section, the expression “Aadhaar number” shall have the same meaning as assigned to it in clause (a) of section 2 of the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016.”.

18 of 2016.

6. In the principal Act, after section 31, the following new section shall be inserted, namely:—

Facility of
digital
payment to
recipient.

“31A. The Government may, on the recommendations of the Council, prescribe a class of registered persons who shall provide prescribed modes of electronic payment to the recipient of supply of goods or services or both made by him and give option to such recipient to make payment accordingly, in such manner and subject to such conditions and restrictions, as may be prescribed.”.

Insertion of
new section
31A in Guj.
25 of 2017.

7. In the principal Act, in section 39,-

- (a) for sub-sections (1) and (2), the following sub-sections shall be substituted, namely:—

Amendment
of section 39
of Guj. 25 of
2017.

- “(1) Every registered person, other than an Input Service Distributor or a non-resident taxable person or a person paying tax under the provisions of section 10 or section 51 or section 52 shall, for every calendar month or part thereof, furnish, a return, electronically, of inward and outward supplies of goods or services or both, input tax credit availed, tax payable, tax paid and such other particulars, in such form and manner, and within such time, as may be prescribed:

Provided that the Government may, on the recommendations of the Council, notify certain class of registered persons who shall furnish a return for every quarter or part thereof, subject to such conditions and restrictions as may be specified therein.

- (2) A registered person paying tax under the provisions of section 10, shall, for each financial year or part thereof, furnish a return, electronically, of turnover in the State, inward supplies of goods or services or both, tax payable, tax paid and such other particulars in such form and manner, and within such time, as may be prescribed.”;
- (b) for sub-section (7), the following sub-section shall be substituted, namely:—
- “(7) Every registered person who is required to furnish a return under sub-section (1), other than the person referred to in the proviso thereto, or sub-section (3) or sub-section (5), shall pay to the Government the tax due as per such return not later than the last date on which he is required to furnish such return:

Provided that every registered person furnishing return under the proviso to sub-section (1) shall pay to the Government, the tax due taking into account inward and outward supplies of goods or services or both,

input tax credit availed, tax payable and such other particulars during a month, in such form and manner, and within such time, as may be prescribed:

Provided further that every registered person furnishing return under sub-section (2) shall pay to the Government, the tax due taking into account turnover in the State, inward supplies of goods or services or both, tax payable, and such other particulars during a quarter, in such form and manner, and within such time, as may be prescribed.”.

**Amendment 8.
of section 44
of Guj. 25 of
2017.**

In the principal Act, in section 44, in sub-section (1), the following provisos shall be inserted, namely:—

"Provided that the Commissioner may, on the recommendations of the Council and for reasons to be recorded in writing, by notification, extend the time limit for furnishing the annual return for such class of registered persons as may be specified therein:

Provided further that any extension of time limit notified by the Commissioner of Central tax shall be deemed to be notified by the Commissioner."

9. In the principal Act, in section 49, after sub-section (9), the following sub-sections shall be inserted, namely:—

**Amendment
of section 49
of Guj. 25 of
2017.**

“(10) A registered person may, on the common portal, transfer any amount of tax, interest, penalty, fee or any other amount available in the electronic cash ledger under this Act, to the electronic cash ledger for integrated tax, Cental tax, State tax or cess, in such form and manner and subject to such conditions and restrictions as may be prescribed and such transfer shall be deemed to be a refund from the electronic cash ledger under this Act.

(11) Where any amount has been transferred to the electronic cash ledger under this Act, the same shall be deemed to be deposited in the said ledger as provided in sub-section (1).”.

10. In the principal Act, in section 50, in sub-section (1), the following proviso shall be inserted, namely:—

**Amendment
of section 50
of Guj. 25 of
2017.**

“Provided that the interest on tax payable in respect of supplies made during a tax period and declared in the return for the said period furnished after the due date in accordance with the provisions of section 39, except where such return is furnished after commencement of any proceedings under section 73 or section 74 in respect of the said period, shall be levied on that portion of the tax that is paid by debiting the electronic cash ledger.”.

**Amendment
of section 52
of Guj. 25 of
2017.**

11. In the principal Act, in section 52,-

- (a) in sub-section (4), the following provisos shall be inserted, namely:—

"Provided that the Commissioner may, for reasons to be recorded in writing, by notification, extend the time limit for furnishing the statement for such class of registered persons as may be specified therein:

Provided further that any extension of time limit notified by the Commissioner of Central tax shall be deemed to be notified by the Commissioner.";

- (b) in sub-section (5), the following provisos shall be inserted, namely:—

"Provided that the Commissioner may, on the recommendations of the Council and for reasons to be recorded in writing, by notification, extend the time limit for furnishing the annual statement for such class of registered persons as may be specified therein:

Provided further that any extension of time limit notified by the Commissioner of Central tax shall be deemed to be notified by the Commissioner.".

- Insertion of new section 53A in Guj. 25 of 2017.**
- 12.** In the principal Act, after section 53, the following new section shall be inserted, namely:—
- Transfer of certain amounts.**
- "53A.** Where any amount has been transferred from the electronic cash ledger under this Act to the electronic cash ledger under the Central Goods and Services Tax Act, 2017 or under the Integrated Goods and Services Tax Act, 2017 or under the Goods and Services Tax (Compensation to States) Act, 2017, the Government shall, transfer to the central tax account or integrated tax account or cess account, an amount equal to the amount transferred from the electronic cash ledger, in such manner and within such time as may be prescribed."**12 of 2017.**
- 13.** In the principal Act, in section 54, after sub-section (8), the following sub-section shall be inserted, namely:—**13 of 2017.**
- "(8A)** Where the Central Government has disbursed the refund of State tax, the Government shall transfer an amount equal to the amount so refunded, to the Central Government."**15 of 2017.**
- 14.** In the principal Act, in section 95,—**Amendment of section 95 of Guj. 25 of 2017.**
- (i) in clause (a),—
- (a) after the words “Appellate Authority”, the words “or the National Appellate Authority” shall be inserted;
- (b) after the words and figures “of section 100”, the words, figures and letter “or of section 101C” shall be inserted;
- (ii) after clause (e), the following clause shall be added, namely:—
- ‘(f) “National Appellate Authority” means the National Appellate Authority for Advance Ruling referred to in section 101A.’.

15. In the principal Act, after section 101, the following new sections shall be inserted, namely:—

**Insertion
of new
sections
101A,
101B and
101C in
Guj. 25 of
2017.**

**National
Appellate
Authority for
Advance Ruling
under Central
Goods and
Service Tax Act,
shall be Appellate
Authority under
this Act.**

"101A. Subject to the provisions of this Chapter, for the purposes of this Act, the National Appellate Authority for Advance Ruling constituted under section 101A of the Central Goods and Services Tax Act, 2017 shall be deemed to be the National Appellate Authority for Advance Ruling under this Act."

12 of 2017.

**Appeal to
National
Appellate
Authority.**

101B. (1) Where, in respect of the questions referred to in sub-section (2) of section 97, conflicting Advance Rulings are given by the Appellate Authorities of two or more States or Union territories or both under sub-section (1) or sub-section (3) of section 101, any officer authorised by the Commissioner or an applicant, being distinct person referred to in section 25 aggrieved by such Advance Ruling, may prefer an appeal to National Appellate Authority:

Provided that the officer shall be from the States in which such Advance Rulings have been given.

(2) Every appeal under this section shall be filed within a period of thirty days from the date on which the ruling sought to be appealed against is communicated to the applicants, concerned officers and jurisdictional officers:

Provided that the officer authorised by the Commissioner may file appeal within a period of ninety days from the date on which the ruling sought to be appealed against is communicated to the concerned officer or the jurisdictional officer:

Provided further that the National Appellate Authority may, if it is satisfied that the appellant was prevented

by a sufficient cause from presenting the appeal within the said period of thirty days, or as the case may be, ninety days, allow such appeal to be presented within a further period not exceeding thirty days.

Explanation.—For removal of doubts, it is clarified that the period of thirty days or as the case may be, ninety days shall be counted from the date of communication of the last of the conflicting rulings sought to be appealed against.

- (3) Every appeal under this section shall be in such form, accompanied by such fee and verified in such manner as may be prescribed.

**Order of
National
Appellate
Authority.**

101C.

- (1) The National Appellate Authority may, after giving an opportunity of being heard to the applicant, the officer authorised by the Commissioner, all Principal Chief Commissioners, Chief Commissioners of Central tax and Chief Commissioner and Commissioner of State tax of all States and Chief Commissioner and Commissioner of Union territory tax of all Union territories, pass such order as it thinks fit, confirming or modifying the rulings appealed against.
- (2) If the members of the National Appellate Authority differ in opinion on any point, it shall be decided according to the opinion of the majority.
- (3) The order referred to in sub-section (1) shall be passed as far as possible within a period of ninety days from the date of filing of the appeal under section 101B.
- (4) A copy of the Advance Ruling pronounced by the National Appellate Authority shall be duly signed by the Members and certified in such manner as may be prescribed and shall be sent to the applicant, the officer authorised by the Commissioner, the Board, the Chief Commissioner and Commissioner of State tax of

all States and Chief Commissioner and Commissioner of Union territory tax of all Union territories and to the Authority or Appellate Authority, as the case may be, after such pronouncement.”.

16. In the principal Act, in section 102,—

**Amendment
of section
102 of Guj.
25 of 2017.**

- (a) after the words “Appellate Authority”, at both the places where they occur, the words “or the National Appellate Authority” shall be inserted;
- (b) after the words and figures “or section 101”, the words, figures and letter “or section 101C, respectively,” shall be inserted;
- (c) for the words “or the appellant”, the words “,appellant, the Authority or the Appellate Authority” shall be substituted.

**Amendment
of section
103 of Guj.
25 of 2017.**

17. In the principal Act, in section 103,—

- (i) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) The Advance Ruling pronounced by the National Appellate Authority under this Chapter shall be binding on—

- (a) the applicants, being distinct persons, who had sought the ruling under sub-section (1) of section 101B and all registered persons having the same Permanent Account Number issued under the Income-tax Act, 1961;
- (b) the concerned officers and the jurisdictional officers in respect of the applicants referred to in clause (a) and the registered persons having the same Permanent Account Number issued under the Income-tax Act, 1961.”;

43 of 1961.

43 of 1961.

- (ii) in sub-section (2), after the words, brackets and figure “in sub-section (1)”, the words, brackets, figure and letter “and sub-section (1A)” shall be inserted.

**Amendment
of section
104 of Guj.
25 of 2017.**

- 18.** In the principal Act, in section 104, in sub-section (1),-
- (a) after the words “Authority or the Appellate Authority”, the words “or the National Appellate Authority” shall be inserted;
 - (b) after the words and figures “of section 101”, the words, figures and letter “or under section 101C” shall be inserted.

- 19.** In the principal Act, in section 105,-

**Amendment
of section
105 of Guj.
25 of 2017.**

- (a) for the marginal heading, the following marginal heading shall be substituted, namely:—
“Powers of Authority, Appellate Authority and National Appellate Authority.”;
- (b) in sub-section (1), after the words “Appellate Authority”, the words “or the National Appellate Authority” shall be inserted;
- (c) in sub-section (2), after the words “Appellate Authority”, at the both places where they occur, the words “or the National Appellate Authority” shall be inserted.

- 20.** In the principal Act, in section 106,-

**Amendment
of section
106 of Guj.
25 of 2017.**

- (a) for the marginal heading, the following marginal heading shall be substituted, namely:—
“Procedure of Authority, Appellate Authority and National Appellate Authority.”;
- (b) after the words “Appellate Authority”, the words “or the National Appellate Authority” shall be inserted.

- 21.** In the principal Act, in section 171, after sub-section (3), the following shall be added, namely:—

**Amendment
of section
171 of Guj.
25 of 2017.**

“(3A) Where the Authority referred to in sub-section (2), after holding examination as required under the said sub-section comes to the conclusion that any registered person has profiteered under sub-section (1), such person shall be liable to pay penalty equivalent to ten per cent. of the amount so profiteered:

Provided that no penalty shall be leviable if the profiteered amount is deposited within thirty days of the date of passing of the order by the Authority.

Explanation.—For the purposes of this section, the expression “profiteered” shall mean the amount determined on account of not passing the benefit of reduction in rate of tax on supply of goods or services or both or the benefit of input tax credit to the recipient by way of commensurate reduction in the price of the goods or services or both.”.

**Amendment
of notification
number 2/2017-
State Tax (Rate)
issued under
sub- section (1)
of
section 11 of
Gujarat Goods
and Services
Tax Act.
retrospectively.**

- 22.** (1) In the Government Notification, Finance Department No.(GHN-36)GST-2017/S.11(1)(1) -TH dated the 30th June, 2017, Notification No. 2/2017-State Tax (Rate), issued by the Government of Gujarat, on the recommendations of the Council, under sub-section (1) of section 11 of the Gujarat Goods and Services Tax Act, 2017, in the Schedule, S.No.103A **Guj. 25 of 2017.** shall deemed to have been inserted retrospectively with effect from the 1st day of July, 2017, namely:—

(1)	(2)	(3)
“103A	26	Uranium Ore Concentrate”.

- (2) For the purposes of sub-section (1), the Gujarat Government shall have and shall be deemed to have the power to amend the notification referred to in sub-section (1) with retrospective effect as if the Gujarat Government had the power to amend the said notification under sub-section (1) of section 11 of the said Act, retrospectively, at all material times.
- (3) No refund shall be made of all such tax which has been collected, but which would not have been so collected, if the notification referred to in sub-section (1) had been in force at all material times.



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. LX | TUESDAY, DECEMBER 17, 2019/ AGRAHAYANA 26, 1941

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations
made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 17th December, 2019 is hereby published for general information.

K. M. LALA,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 30 OF 2019.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 17th December, 2019).

AN ACT

further to amend the Gujarat Professional Technical Educational Colleges or Institutions (Regulation of Admission and Fixation of Fees) Act, 2007.

It is hereby enacted in the Seventieth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Professional Technical Educational Colleges or Institutions (Regulation of Admission and Fixation of Fees) (Amendment) Act, 2019.

**Short title and
commencement.**

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

**Amendment
of section 2 of
Guj. 2 of 2008.**

2. In the Gujarat Professional Technical Educational Colleges or Institutions (Regulation of Admission and Fixation of Fees) Act, 2007 (hereinafter referred to as “the principal Act”), in section 2,-

**Guj. 2 of
2008.**

(i) after clause (d), the following clause shall be inserted, namely:-

“(dd) Foreign National (FN) Student” means the student other than Non-Resident Indian (NRI) who possesses a foreign passport and fulfils the equivalency of eligibility requirements ascertained by the competent authority as may be specified by the Ministry of Human Resource Development, Government of India, for admission;”;

(ii) in clause (g), for sub-clause (ii), the following sub-clause shall be substituted, namely:-

“(ii) fifty per cent. (50%) seats of the professional courses of the total approved seats in the unaided colleges or institutions;”;

(iii) after clause (g), the following clause shall be inserted, namely:-

“(gg) “GTERS or the Gujarat Technical Education and Research Society (GTERS)” means a society constituted by the Education Department, Government of Gujarat under the Government Resolution No. MIS/102013/104/S. dated the 31st December 2013;”;

(iv) for clause (h), the following clause shall be substituted, namely:-

“(h) Management seats" means fifty per cent. (50%) seats of the professional courses of the total approved seats in the unaided colleges or institutions including fifteen per cent. (15%) of Non-Resident Indian seats; and also includes seats for Foreign National Students; and students from any State (including Gujarat);”;

(v) in clause (i), for the words “in the professional educational colleges or institutions”, the words “on the management seats in the unaided educational colleges or institutions on the basis of fulfillment of equivalency of eligibility requirements for admission as ascertained by the competent authority as may be specified by the Ministry of Human Resource Development, Government of India.” shall be substituted.

3. In the principal Act, in section 4, for sub-section (3), the following sub-section shall be substituted, namely:-

**Amendment
of section 4
of Guj. 2 of
2008.**

“(3) The Gujarat Technical Education and Research Society (GTERS) shall guide, supervise, promote and control the entire process of admission of students to the professional educational colleges or institutions.”.

4. In the principal Act, for section 5, the following section shall be substituted, namely:-

**Substitution
of section 5
of Guj. 2 of
2008.**

**Preparation
of merit list
for
admission.**

“5. (1) For the purpose of admission on the Government seats in the professional courses, the Admission Committee shall prepare the merit list of students based on common entrance test or on such other criteria as may be prescribed.

(2) For the purpose of admission on the management seats in the professional courses, the unaided college or institution shall prepare the merit list of students based on common entrance test or on such other criteria as may be prescribed:

(3) The Foreign National Students or, as the case may be, NRI students shall be admitted in any professional educational college or institution in such manner and on such criteria as may be prescribed:

Provided that it shall not be necessary to conduct common entrance test for preparing merit list for admission to such professional courses as may be specified by the State Government by notification in the *Official Gazette*.”.

**Amendment
of section 6
of Guj. 2 of
2008.**

5. In the principal Act, in section 6, in sub-section (1), for the existing provisos, the following provisos shall be substituted, namely:-

“Provided that if any unaided college or institution requests to fill up all or any portion of the management seats by the Admission Committee, such management seats shall be considered as the Government seats:

Provided further that if any Government seat remains vacant, such seat shall be filled in as the management seat in the manner as may be prescribed:

Provided also that if any Non-Resident Indian seat remains vacant, such seat shall be filled in as the management seat.”;

**Amendment
of section
7A of Guj. 2
of 2008.**

6. In the principal Act, in section 7A, in sub-section (1), for the words “students from other States may be given admission in the unaided colleges or institutions”, the words “students from other States and other countries may be given admission in any college or institution” shall be substituted.

**Amendment
of section 10
of Guj. 2 of
2008.**

7. In the principal Act, in section 10,-

- (i) in sub-section (1), the words and letters “and students who are Foreign Nationals and NRI” shall be added at the end;
- (ii) in sub-section (2), to clause (c), the following proviso shall be inserted, namely:-

“Provided that the unaided professional educational college or institution may raise the fee up to five per cent. of existing fee for the fee block upto three years, or make any reduction in the existing fees without following the procedure as referred to in clauses (a) and (b) above. However, the unaided professional educational college or institution shall provide a “Declaration cum Undertaking” regarding the revised fee structure under this section in the form of affidavit as may be prescribed.”

- (iii) after sub-section (2), the following sub-section shall be inserted, namely:-

“(2A) Any unaided college or institution may charge differential fee for different courses/ branch subject to the maximum ceiling prescribed by Fee Regulatory Committee.”.

8. In the principal Act, in section 13, after sub-section (2), the following sub-section shall be added, namely:-

“(3) On receipt of any complaint, the State Government may conduct an inquiry into the matter and take necessary action.”.

**Amendment
of section 13
of Guj. 2 of
2008.**

9. In the principal Act, for section 14, the following section shall be substituted, namely:-

Penalties. “14. Whoever contravenes any of the provisions of this Act or the rules made thereunder shall, after giving opportunity of being heard, be punishable with fine which may extend to rupees fifty lakhs; or any penal action that may be taken by the State Government under the respective University Acts or both.”.

**Substitution
of section 14
of Guj. 2 of
2008.**



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. LX | FRIDAY, DECEMBER 20, 2019/ AGRAHAYANA 29, 1941

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 19th December, 2019 is hereby published for general information.

K. M. LALA,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 31 OF 2019.

(First published, after having received the assent of the Governor, in the "Gujarat Government Gazette", on the 20th December, 2019).

AN ACT

further to amend the Gujarat Land Revenue Code, 1879.

It is hereby enacted in the Seventieth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Land Revenue (Third Amendment) Act, 2019. **Short title and commencement.**

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

**Amendment
of section
125L of Bom.
V of 1879.**

2. In the Gujarat Land Revenue Code, 1879, in section 125L, for sub-sections (1) and (2), the following sub-sections shall be substituted, namely:-

**Bom. V
of 1879.**

“(1) On receipt of supplemental revenue settlement fee from the claimant, the authorized revenue officer shall issue a certificate of claim reflecting

the sum of compounding fee and supplemental revenue settlement fee; and indicating amount of premium and other Government dues, if any, for reflecting the entry in the Register of Mutations during the relevant period in such form and manner as may be prescribed by the State Government.

(2) The certificate issued by the authorised revenue officer shall be valid for a period of 365 days. During this period, if the claimant pays compounding fee, Government dues and premium, etc. in four equal instalments as indicated in the certificate of claim, an entry to this effect shall be made in the Register of Mutations and a Certificate of No Dues shall be issued which shall be valid for reporting of acquisition of rights under section 135C. If the claimant does not make the payment of the Government dues and premium as indicated within a said period of 365 days, the revenue officer shall proceed to make an entry in the Register of Mutations reflecting payment of compounding fee, amount of premium and other Government dues in the entry against the claimant.”.



सत्यमेव जयते



The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. LX | FRIDAY, DECEMBER 20, 2019/ AGRAHAYANA 29, 1941

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations
made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 19th December, 2019 is hereby published for general information.

K. M. LALA,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 32 OF 2019.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 20th December, 2019).

AN ACT

further to amend the Gujarat Co-operative Societies Act, 1961.

It is hereby enacted in the Seventieth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Co-operative Societies (Second Amendment) Act, 2019. **Short title and commencement.**

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment of section 67A of Guj. X of 1962. 2. In the Gujarat Co-operative Societies Act, 1961 (hereinafter referred to as "the principal Act"), in section 67A, to sub-section (2), the following proviso shall be added, namely:- **Guj. X of 1962.**

“Provided that the society shall carry atleast eight per cent. of its net profit to the Bad Debt Reserve Fund in cases where,-

- (i) the amount of Bad Debt Reserve Fund of such society shall be minimum twice the amount of the Non-Performing Assets (NPA) of such society occurred in the preceding financial year; and
- (ii) the Prudential Norms of the Reserve Bank of India applicable for Non-Performing Assets (NPA) have been complied with by such society.”.

**Amendment
of section 70
of Guj. X
of 1962.**

3. In the principal Act, in section 70,-

- (i) in the proviso, the words “and Urban Co-operative Banks” shall be added at the end;
- (ii) after the existing proviso, the following Explanation shall be added, namely:-

“Explanation.- For the purposes of this section, the “Urban Co-operative Bank” means a society registered under this Act and doing business of banking, as defined in clause (b) of section 5 of the Banking Regulation Act, 1949.”.

10 of 1949.



The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. LX | FRIDAY, DECEMBER 20, 2019/ AGRAHAYANA 29, 1941

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 19th December, 2019 is hereby published for general information.

K. M. LALA,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 33 OF 2019.

(First published, after having received the assent of the Governor, in the "Gujarat Government Gazette", on the 20th December, 2019).

AN ACT

to provide for development of the area and management of Tourism in and around the Statue of Unity at Kevadia in the State of Gujarat by providing necessary civic infrastructure through effective planning, administration, and the matters connected therewith and incidental thereto.

It is hereby enacted in the Seventieth Year of the Republic of India as follows: -

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Statue Of Unity Area Development and Tourism Governance Act, 2019.

(2) It shall extend to the Tourism development area as declared under section 3.

(3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Short title, extent and commencement.

- Definitions.** 2. In this Act, unless the context otherwise requires-
- (a) “amenities” means basic and essential services including but not limited to roads, bridges, bypasses and underpasses, drainage, water supply, power supply and electrical installations, collection-treatment- discharge and disposal of institutional and township waste, health, education, transport, disaster management, parks, green areas, gas pipeline, entertainment, hospitality, recreation, industry, townships and institutional areas and other facilities of conveniences and such other services as the SOUADTG Authority may specify;
- President’s Act No. 27 of 1976.** (b) “building operations” shall have the same meaning as is assigned to it under clause (vi) of section 2 of the Gujarat Town Planning and Urban Development Act, 1976;
- (c) “developer” means a person or entity with whom a concession agreement is entered into or a project has been awarded and for which such other agreement is entered into for furtherance of the objectives of this Act;
- President’s Act No. 27 of 1976.** (d) "development" shall have the same meaning as is assigned to it under clause (viii) of section 2 of the Gujarat Town Planning and Urban Development Act, 1976.
- (e) "development plan" means a plan for the development or re-development or improvement of a Tourism development area;
- President’s Act No. 27 of 1976.** (f) "engineering operations" shall have the same meaning as is assigned to it under clause (xi) of section 2 of the Gujarat Town Planning and Urban Development Act 1976;
- (g) “Government agency” means a Corporation or a Government company or a body owned or controlled by the State Government or an authority established by or under any State law and includes a local authority;
- President’s Act No. 27 of 1976.** (h) "land" shall have the same meaning as is assigned to it under clause (xiii) of section 2 of the Gujarat Town Planning and Urban Development Act, 1976;
- (i) "local authority" means a municipality constituted or deemed to be constituted under the Gujarat Municipalities Act, 1963, a committee appointed for a notified area under the Gujarat Municipalities Act, 1963 or a panchayat constituted under the Gujarat Panchayats Act, 1993;
- Guj. 34 of 1964.**
- Guj. 18 of 1993.** (j) "Notification" means a notification published in the *Official Gazette*;
- (k) "Nuisance" includes any act of commission or omission or carrying on of any activity, process, operation including the operation of any machine which causes or is likely to cause injury, danger, or which is or may be dangerous to life or injurious to health or property or to any animal or plant;

- (l) "occupier" includes, -
- (i) any person who for the time being is paying or is liable to pay to the owner the rent of the land or building in respect of which such rent is paid or is payable;
 - (ii) an owner living in or otherwise using his land or building;
 - (iii) a rent-free tenant;
 - (iv) a licensee in occupation of any land or building;
 - (v) any person who is liable to pay to the owner damages or compensation for the use and occupation of any land or building;

but, shall not include a person who on the date of commencement of this Act is in illegal possession of any land which has been acquired by the State Government or by any other authority and has vested in the State Government and shall not also include a person who has encroached upon such land;

- (m) "operational construction" shall have the same meaning as is assigned to it under clause (xvii) of section 2 of the Gujarat Town Planning and Urban Development Act, 1976.
- (n) "owner", in relation to any property, includes any person who is, for the time being receiving or entitled to receive, whether on his own account or on account of or on behalf of, or for the benefit of, any other person or as an agent, trustee, guardian, manager or receiver for any other person or for any religious or charitable institution, the rents or profits of the property; and also includes a mortgagee in possession thereof but shall not include any such person who on the date of commencement of this Act is in illegal possession of any land which has been acquired by the State Government or by any other authority and has vested in the State Government and shall also not include a person who has encroached upon such land;
- (o) "person" means and includes, an individual, an entity, a company, firm, organization, association of persons, society, establishment, institution including Government agencies carrying on business or economic activity in the Tourism development area;
- (p) "prescribed" means prescribed by rules made under this Act;
- (q) "Prescribed Authority" means an Authority appointed under section 25;
- (r) "regulations" means a regulations made under section 54 and includes zoning and other regulations made as part of a development plan or town planning scheme;
- (s) "rules" means rules made under section 53;
- (t) "Statue Of Unity" means the statue of Shri Sardar Vallabhbhai Patel, located at Kevadia, District: Narmada, Gujarat;

**President's Act
No. 27 of 1976.**

- (u) “Statue Of Unity Area Development and Tourism Governance Authority” means the authority constituted under section 4 or any Government agency or Government company designated as such under sub-section (4) of section 4;
- (v) “Tourism activity” means the activities and services including but not limited to industrial, manufacturing, commercial, financial, processing, packaging, logistics, transport, tourism, hospitality, health, housing, entertainment, research and development, education and training, skill development, information and communication, management and consultancy, corporate offices and the activities and services connected therewith or incidental thereto and other activities including the economic activities as the State Government may specify by notification in the *Official Gazette*;
- (w) “Tourism development area” means the area declared under section 3;
- (x) “Tourism trade” means and includes facilities, service, activities or products relating to Tourism provided to a tourist in a premises by any person or travel agency regularly or occasionally within Tourism development area or otherwise;
- (y) “tourist guide” means the tourist guide appointed under section 30.

CHAPTER II

DECLARATION OF TOURISM DEVELOPMENT AREA

Declaration of Tourism development area.

3. (1) The State Government, for the purpose of securing planned Tourism development and governance in and around Kevadia, District Narmada and in the vicinity of Statue Of Unity, may, by notification in the *Official Gazette*, declare such area to be the Tourism development area.

(2) Every notification issued under sub-section (1) shall define the limits of the area to which it relates.

(3) The State Government may also, by notification in the *Official Gazette*, extend the Tourism development area as and when it deems fit.

CHAPTER III

CONSTITUTION OF SOU TOURISM AUTHORITY

Constitution of SOU Tourism Authority.

4. (1) As soon as may be after the declaration of a Tourism development area under section 3, the State Government shall, by notification in the *Official Gazette*, constitute an authority for such area to be called the Statue Of Unity Area Development and Tourism

Governance Authority (hereinafter referred to as “SOU Tourism Authority”) for such Tourism development area for the purpose of carrying out the functions assigned to it by or under this Act.

(2) The headquarters of the SOU Tourism Authority shall be at Kevadia, District Narmada:

Provided that the State Government may, by notification in the *Official Gazette*, specify any other place as the headquarters of the SOU Tourism Authority.

(3) (a) The SOU Tourism Authority shall consist of the following members, namely: -

- (i) the Chairman to be appointed by the State Government;
- (ii) the Vice Chairman – Managing Director, Sardar Sarovar Narmada Nigam Limited, *ex-officio*;
- (iii) the Vice Chairman – Secretary / Principal Secretary / Additional Chief Secretary of Urban Development Department, *ex-officio*;
- (iv) the Vice Chairman – Secretary / Principal Secretary / Additional Chief Secretary (Narmada), *ex-officio*;
- (v) the Vice Chairman – Secretary / Principal Secretary/ Additional Chief Secretary of Tourism Department, *ex-officio*;
- (vi) the Member-Secretary – Managing Director of Tourism Corporation of Gujarat Limited, *ex-officio*;
- (vii) the Secretary, Roads and Buildings Department, *ex-officio*;
- (viii) the Joint Managing Director, Sardar Sarovar Narmada Nigam Ltd., and Member-Secretary, Sardar Vallabhbhai Patel *Rashtriya Ekta* Trust (SVPRET), *ex-officio*;
- (ix) the Chief Executive Officer – Chief Administrator – SOU, *ex-officio*;
- (x) the Collector, Narmada District, *ex-officio*;
- (xi) the District Development Officer, Narmada District, *ex-officio*;
- (xii) the Chief Town Planner, Gujarat., *ex-officio*;
- (xiii) the Superintendent of Police, Narmada District, *ex-officio*;
- (xiv) the Principal Chief Conservator of Forest (Wild Life), *ex-officio*;
- (xv) the Deputy Conservator of Forest, Kevadia, *ex-officio*;
- (xvi) the Chief Engineer (Dam and Vadodara), Sardar Sarovar Narmada Nigam Ltd, *ex-officio*;
- (xvii) the Chief Engineer, Gujarat Water Supply and Sewerage Board, Surat, *ex-officio*;

- (xviii) the Chief Engineer, Daxin Gujarat Vij Company Ltd., Surat, *ex-officio*;
- (xix) three experts who possess experience and knowledge in area development or Tourism to be nominated by the State Government;
- (xx) President, District Panchayat, Narmada.

(b) The Chairman shall have powers to co-opt the members, not exceeding three, in the SOU Tourism Authority subject to the rules as may be prescribed:

Provided that no such appointment shall be made except without the prior consultation with the State Government.

(c) The terms and conditions of service of the members so co-opted shall be as may be determined by the State Government.

(4) The State Government may, instead of constituting the SOU Tourism Authority, designate any Government agency or Government company as the SOU Tourism Authority and empower it to exercise in part or all the powers to enable it to perform the functions by or under this Act.

**Term of office
and conditions
of service of
members.**

5. (1) The term of office, conditions of service and powers and functions of the Chairman, Vice- Chairman, the Member-Secretary, the Chief Executive Officer and members appointed under sub-clause (xix) of clause (a) of sub-section (3) of section 4 of the SOU Tourism Authority shall be such as may be prescribed.

(2) The Chairman, the Vice-Chairman and the members of the SOU Tourism Authority other than *ex-officio* members shall hold office during the pleasure of the State Government.

(3) The conditions of service of the members of the SOU Tourism Authority other than *ex-officio* members shall be such as may be prescribed and such members shall be entitled to receive such remuneration or allowances or both as the State Government may by order determine.

(4) (a) If the State Government is of opinion that any member of SOU Tourism Authority is guilty of misconduct in the discharge of his duties or is incompetent or has become incapable of performing his duties as such member, or should for any other good and sufficient reasons, be removed, the State Government may, after giving him an opportunity to be heard, remove him from office.

(b) Any member of the SOU Tourism Authority other than an *ex-officio* member may at any time resign his office by writing under his hand addressed to the State Government and upon the acceptance thereof, the office of such member shall become vacant.

6. (1) The SOU Tourism Authority shall meet at such time and at such place as the Chairman may determine:

**Meeting of SOU
Tourism
Authority and
transaction of
business.**

Provided that the procedure with regard to transaction of business at its meetings including quorum at such meeting shall be such as may be laid down by the SOU Tourism Authority in consultation with the State Government.

(2) The SOU Tourism Authority shall meet at least once in every quarter.

(3) The appointment, remuneration, allowances and conditions of services of the officers and employees of SOU Tourism Authority shall be such as may be prescribed by regulations.

7. (1) The SOU Tourism Authority may constitute an Executive Committee and such other committees consisting of members not exceeding six in numbers, for the performance of its functions as may be determined by it.

**Constitution of
Committees.**

(2) The terms and conditions of any of the committees constituted under sub-section (1) shall be as may be determined by the SOU Tourism Authority.

8. No act or proceedings of the SOU Tourism Authority and any of its committees shall be invalid or vitiated merely by reason of –

**Validity of acts
and proceedings
of SOU Tourism
Authority and
committees.**

- (a) a vacancy therein or any defect in the constitution thereof, or
- (b) an irregularity in its procedure not affecting the merits of the case.

CHAPTER IV

POWERS AND FUNCTIONS OF SOU TOURISM AUTHORITY

9. (1) The SOU Tourism Authority shall secure planned development of the Tourism development area and take steps to provide basic infrastructure and measures for effective management thereof.

**Powers and
functions of SOU
Tourism
Authority.**

(2) The SOU Tourism Authority shall, in particular, exercise the following powers and perform the following functions namely: -

- (i) to engage or assist or promote necessary facilities for tourists;
- (ii) to establish, maintain and operate services connected with the Tourism industry and to coordinate the activities of the persons providing such services for tourists;

30 of 2013.

- (iii) to prescribe, regulate, maintain and enforce the standards to be maintained by the different persons engaged in Tourism trade and Tourism activity;
- (iv) to acquire hereinafter by sale, take on lease, hire, pledge or otherwise, grant, allocation, donation, town planning scheme, consent agreement or through proceedings under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, hold or manage any moveable or immoveable property as it may deem necessary subject to general or specific directions of the State Government in this behalf;
- (v) to sale, lease, transfer or dispose of any land or building belonging to it subject to the regulations made by the State Government;
- (vi) to enter into contracts, agreements or concession agreement with any person, entity, developer or organization as it may deem necessary for performing its functions;
- (vii) to undertake preparation and execution of development plan for whole or part of the area of the Tourism development area;
- (viii) to undertake preparation and execution of town planning scheme for whole or part of the Tourism development area;
- (ix) to make general or specific regulations or issue directions to fix so as to implement the standards and the norms for building structures, infrastructure development, aesthetics and other construction activities;
- (x) to remove encroachments from Tourism development area and constructions therefrom not duly authorized or made in violation of the regulations, directions and norms laid down;
- (xi) to control the development activities in accordance with the development plan and to bring aesthetics, efficiency and economy in the process of development;
- (xii) to ensure and make provision for sufficient civic amenities including drainage and services including hospitals and medical services, schools, fire services, public parks, markets and shopping places, play grounds, entertainment areas and disposal of waste.
- (xiii) to make sustainable arrangements for providing and maintaining the highest standards in civic amenities such as water supply, sewerage, power supply, transportation, communication, infrastructure and services particularly for cleanliness, aesthetics, health, hygiene, etc.

- (xiv) to provide for disaster management and mitigation;
 - (xv) to levy and collect such fees, development charges, or user charges as may be fixed by the State Government;
 - (xvi) to exercise such other powers and discharge such other functions for proper planning, management and development of the Tourism development area, the SOU Tourism Authority may issue such directions or instructions as it may consider necessary to any person, unit, entity, developer or any other stakeholder.
 - (xvii) to exercise such other powers and discharge such other functions as may be prescribed by rules or regulations.
 - (xviii) to appoint directly by contractual appointment / deputation/ outsourcing or in any other manner the staff for carrying out various functions and duties specified by the Act and determine remuneration thereof.
 - (xix) to exercise such other powers and perform such other functions as are incidental or consequential to any of the foregoing powers and functions or as may be directed by the State Government.
- (3) On receipt of the proposal from the SOU Tourism Authority or otherwise, the State Government may, by notification in the *Official Gazette*, delegate any of the powers and functions of the SOU Tourism Authority to the local authority or authorities or an officer within its jurisdiction.
- (4) Notwithstanding anything contained in the relevant State Acts, rules or any existing instructions of the State Government, the provisions made under clause (iv) of sub-section (2) shall prevail.

CHAPTER V

TOWN PLANNING

- 10. (1)** The provisions of the Gujarat Town Planning and Urban Development Act, 1976, shall *mutatis mutandis*, apply with respect to the Development Plans and to the Town Planning Schemes made under this Act.
- (2) The SOU Tourism Authority shall be The “Appropriate Authority” for the Tourism development area for the purposes of sub-section (1).

**Application of
President’s Act
No. 27 of 1976.**

CHAPTER VI
CONTROL, REGULATION AND DEVELOPMENT IN
TOURISM DEVELOPMENT AREA

**Restriction on
development
after publication
of draft
development
plan.**

11. (1) On or after the date on which the SOU Tourism Authority is constituted, no person shall carry on any development in any building or in or over any land, within the limits of the said Tourism development area without the permission in writing of the SOU Tourism Authority:

Provided that no such permission shall be necessary, -

- (i) in respect of any work which is being carried on by the State Government on the date of commencement of this Act;
- (ii) for any work being carried on for the maintenance, improvement or other alteration of any building and which affect only the interior of the building or which does not materially affect the external appearance thereof;
- (iii) for the carrying out of-
 - (a) any operational construction undertaken by the Central Government or a State Government;
 - (b) any work for the purpose of inspecting, repairing or renewing any drains, sewers, mains, pipes, cables, telephone or other apparatus or the breaking open of any street or other land for such purpose;
- (iv) for any excavation, including excavation of wells made in the ordinary course of an agricultural operation;
- (v) for the construction of a road intended to give access to land solely for agricultural purposes;
- (vi) for the normal use of land which has been used temporarily for other purposes;
- (vii) in case of land normally used for one purpose and occasionally used for any other purpose, for the use of land for that other purpose;
- (viii) for any purpose incidental to the use of a building for human habitation or any other building or land attached to such building.

**Application of
permission for
development.**

12. Any person, not being the Central Government or a State Government, intending to carry out any development in any building or in or over any land within the limits of a Tourism development area shall, make an application in writing to the SOU Tourism Authority for permission for such development in such form and containing such particulars and accompanied by such documents as may be determined by regulations.

13. (1) Any person not being the Central Government or a State Government, intending to retain any use of building or work constructed or carried out on any land, or to continue any use of any particular land, before the date on which a final development plan comes into force, which is not in conformity with the provisions of the regulations or the final development plan, shall make an application in writing to the SOU Tourism Authority for permission to retain or continue such use, containing such particulars and accompanied by such documents and such fees as may be determined by regulations, within six months from the date on which the final development plan in respect of such Tourism development area comes into force.

Permission for retention or continuance of use of any building or work or any use of land.

(2) On and after the date on which the said period of six months expires, no person shall retain or continue any such use of building or work or land, without such permission having been obtained or contrary to the terms thereof:

Provided that where such person has applied under sub-section (1) within period of six months and no order has been made within a period of six months after the receipt of the application under said sub-section (1), he shall retain or continue such use until the date of such order.

14. (1) On receipt of an application under section 12 or section 13, the SOU Tourism Authority shall furnish the applicant with a written acknowledgement of its receipt and after satisfying itself that the development charge, if any, payable by the applicant has been paid and after making such inquiry as it thinks fit may, subject to the provisions of this Act, by order in writing-

Grant or refusal of permission.

- (i) grant the permission with or without any condition; or
- (ii) grant the permission, subject to any general or special orders made by the State Government in this behalf; or
- (iii) refuse to grant the permission.

(2) Any permission under sub-section (1) shall be granted in the prescribed form and every order granting permission subject to conditions or refusing permission shall state the grounds for imposing such conditions or for such refusal.

(3) Every order made under sub-section (1) shall be communicated to the applicant in the manner prescribed by regulations.

(4) If the SOU Tourism Authority fails to communicate its order to the applicant within three months from the date of receipt of the application, such permission shall be deemed to have been granted to the applicant on the expiry of the said period of three months.

Unauthorized construction.

15. (1) If any person carries on any development work or retains the use of any building or work or continues the use of land in contravention of the provisions of section 12 or section 13 or of any permission granted under sub-section (1) of section 14, the SOU TOURISM Authority may direct such person, by notice in writing, to stop further progress of such work or to discontinue any use and may, after making an inquiry in the prescribed manner, remove or pull down any building or work carried out and restore the land to its original condition or, as the case may be, take any measures to stop such use.

(2) Any expenses incurred by the SOU Tourism Authority under sub-section (1) shall be a sum due to the SOU Tourism Authority under this Act from the person in default.

Obligation to purchase land on refusal of permission or grant of permission in certain cases.

16. (1) Where permission for the retention or continuance or retention of use of building or work or land of the kind referred to in section 13 is refused or is granted subject to any conditions, then, if any owner of the land claims-

- (a) in a case where such permission is refused on the ground that the land in question has become incapable of reasonable beneficial use in its existing state,
- (b) in a case where permission is granted subject to conditions, due to which the land has become incapable of reasonable beneficial use by carrying out the conditions of the permission,

he may, within the time and in the manner determined by regulations, serve on the SOU Tourism Authority a notice (herein after referred to as a purchase notice) requiring the SOU Tourism Authority to purchase his interest in the land in accordance with the provisions of this section.

(2) Where a purchase notice is served on the SOU Tourism Authority under sub-section (1), the SOU Tourism Authority shall forthwith transmit a copy of the notice to the State Government and the State Government shall, if satisfied, confirm the notice and thereupon the SOU Tourism Authority shall be deemed to be authorized to acquire the interest of the owner in accordance with the provisions of this Act, and shall serve on the owner a notice for acquiring his interest in such land on such date as the State Government may direct.

(3) If the State Government does not confirm the purchase notice, within the period of six months from the date on which the purchaser has served notice under sub-section (1), the notice shall be deemed to have been confirmed at the expiration of that period and the SOU Tourism Authority on which the notice was served shall be deemed to be authorized to acquire the interest of the owner.

17. Every permission granted or deemed to have been granted under section 14 shall remain in force for a period of one year from the date of such grant and thereafter it shall lapse:

Lapse of permission.

Provided that, the SOU Tourism Authority may, on an application from time to time, extend such period by a further period not exceeding one year at a time, so however, that the extended period shall in no case exceed three years in the aggregate:

Provided further that the lapse of the permission as aforesaid shall not bar any subsequent application for fresh permission under this Act.

18. (1) If it appears to the SOU Tourism Authority that it is necessary or expedient, having regard to the development plan that may have been prepared or may be under preparation or having regard to any variation made in the final development plan that any permission granted under section 14 should be revoked or modified, the SOU Tourism Authority may, after giving the person concerned an opportunity of being heard, by an order, revoke or modify the permission to such extent as appears to it to be necessary :

Power of revocation and modification of permission to development.

Provided that where the permission relates to the carrying out of any building or other operation, in or over any land, no such order shall affect such of the operations as may have already been carried out in pursuance of the permission and no such order shall be passed after such operations have substantially progressed or have been completed.

(2) Where any permission is revoked or modified by an order made under sub-section (1) and any owner claims, within the time and in the manner as may be prescribed, compensation for the expenditure incurred in carrying out any development in accordance with such permission which has been rendered abortive by the revocation or modification, the SOU Tourism Authority shall, after giving the owner a reasonable opportunity of being heard, assess and offer such compensation to the owner as it thinks fit.

(3) If the compensation as offered under sub-section (2) is not acceptable to the owner, he may prefer an appeal before the District Judge within a period of three months from the date of such order:

Provided that no such appeal shall be entertained if not made within the stipulated time limit.

19. (1) Any person who, whether at his own instance or at the instance of any other person, commences, undertakes or carries out development-

Penalty for unauthorized development or use or continuance or retention of the use without permission.

(a) without any application for permission required under section 12;

- (b) which is not in accordance with any permission granted under section 13 or section 14 or is in contravention of any condition subject to which such permission has been granted;
- (c) after such permission has been duly revoked; or
- (d) in contravention of any modification made in such permission,

shall, on conviction, be punished with fine which may extend to fifty thousand rupees, and in the case of a continuing offence with a further fine which may extend to five thousand rupees for each day during which the offence continues after conviction for the first offence.

(2) Any person who continues to use or allows the use of any land or building or work in contravention of the provisions of a development plan or being allowed to do so under section 14 or where the continuance of such use has been allowed under that section, continues such use after the period for which the use has been allowed, or does not comply with the terms and conditions under which the continuance of such use is allowed, shall, on conviction, be punished with fine which may extend to fifty thousand rupees and in the case of a continuing offence, with a further fine which may extend to five thousand rupees for each day during which such offence continues after conviction for the first offence.

**Power to require
removal of
unauthorized
development or
use.**

20. (1) Where any development has been carried out in any of the circumstances referred to in sub-section (1) of section 19, or any use of land or building or work is continued so as to constitute an offence punishable under sub-section (2) of section 19, the SOU Tourism Authority may, subject to the provisions of this section, within three years of such development, or continuance of use so made, serve on the owner a notice requiring him, within such period, being not less than one month as may be specified therein, after the service of the notice,-

- (a) to restore the land or building to its condition existing before the said development took place, in cases specified in clause (a) or clause (c) of sub-section (1) of section 19;
- (b) to secure compliance with the conditions or with the permissions as modified, as the case may be, in cases specified in clause (b) or clause (d) of sub-section (1) of section 19;
- (c) to discontinue such use of building or land or work:

Provided that where the notice requires the discontinuance of any use of land or building, the SOU Tourism Authority shall also serve a notice on the occupier.

(2) The notice under sub-section (1) may include the following, namely: -

- (a) the demolition or alteration of any building or work;
- (b) the carrying out on land of any building or other operations.

(3) Any person aggrieved by such notice may, within the period specified in the notice, make representation to the SOU Tourism Authority.

(4) The SOU Tourism Authority, after considering the representation and, if it deems fit, after providing an opportunity of being heard, may withdraw the notice fully or to the extent in respect of any of the matters specified therein:

Provided that in case where the representation is not withdrawn fully, the SOU Authority may grant a period not exceeding one month for the compliance of the matters which have not been withdrawn.

(5) In case where the owner acts in breach of the provisions of sub-section (1) or in breach of the provisions of sub-section (4), as the case may be, the SOU Tourism Authority may pass an appropriate order,-

- (a) to discontinue of any use of land or building made in contravention of the notice;
- (b) to demolish or alter any building or work or other operations, and recover the amount of any expenses incurred by it in this behalf from the owner as an arrear of land revenue, where the notice requires for demolition or alteration of any building or work or the carrying out of any construction or other operations, for the purpose of the restoration of the building to its condition before the development took place and secure compliance with the conditions of the permission or with the permission.

(6) Whoever, contravenes clause (a) of sub-section (5) shall, on conviction, be punished with fine which may extend to fifty thousand rupees, and in the case of a continuing offence, with a further fine which may extend to one thousand rupees for each day during which such offence continues after conviction for the first offence.

21. (1) Notwithstanding anything contained in this Chapter, where any person has carried out any development of a temporary nature in any of the circumstances referred to in sub-section (1) of section 20, so as to constitute an offence punishable under that section, the SOU Tourism Authority may, by an order in writing, direct such person to remove any structure or work erected within fifteen days of the receipt of such order, and if thereafter, the person does not comply with the said order, the SOU

Removal of unauthorized, temporary development summarily.

Tourism Authority may direct the Superintendent of Police, Narmada District to have such structure or work summarily removed without any notice and thereupon any such structure or work shall be summarily removed.

(2) The decision of the SOU Tourism Authority on the question as to what is development of a temporary nature shall be final.

**Recovery of
expenses
incurred.**

22. Any expenses incurred by the SOU Tourism Authority under section 20 or section 21 shall be a sum due to the SOU Tourism Authority under this Act from the person in default or the owner of the land or the building.

**Development
under taken on
behalf of
Government and
SOU Tourism
Authority.**

23. (1) Where any Department of the Central Government or a State Government intends to carry out development of any land for any purpose of the Government or for carrying out any operational construction, it shall inform in writing the SOU Tourism Authority of its intention to do so, giving full particulars thereof, and accompanied by such documents and plans as may be prescribed at least thirty days before undertaking such development or construction.

(2) Where the SOU Tourism Authority raises any objection to the proposed development on the ground that such development is not in conformity with the provisions either of any development plan under preparation, or development plan already sanctioned, or of any building bye-laws in force for the time being, or for any other material consideration, the Department shall-

- (i) either make necessary modifications in the proposals for development to meet the objections raised by the SOU Tourism Authority; or
- (ii) submit the proposals for development together with the objections raised by the SOU Tourism Authority to the State Government for decision.

(3) The State Government on receipt of the proposals for development together with the objections of the SOU Tourism Authority shall, either approve the proposals with or without modifications or direct the department to make such modifications in the proposals as it considers necessary in the circumstances.

(4) Where the SOU Tourism Authority intends to carry out development of land for its own purpose in the exercise of its powers under any law for the time being in force, such development shall be in conformity with the development plan and of the bye-laws or regulations relating to construction of buildings.

(5) The provisions of sections 12, 13 and 14 shall not apply to developments carried out under this section.

CHAPTER VII
TOURISM AREA PROTECTION AND MAINTENANCE

- 24. (1)** The District Police shall assist the officers or any other persons authorized to discharge any of the provisions for enforcement of this Act particularly in respect of the following, namely:- **District police to assist SOU Tourism Authority.**
- (i) for the better protection and security of the public property within the Tourism development area including prevention of encroachments and removal thereof;
 - (ii) for aiding the officers of the SOU Tourism Authority in the detection and investigation of any matter relating to leakage of revenue or any amount payable to the SOU Tourism Authority;
 - (iii) for effective communication and obtaining of any information regarding any design to commit or the commission of any offence by any person under this Act or any rules or regulations made thereunder;
 - (iv) to exercise such other powers and discharge such other functions as may be prescribed.
- (2)** Notwithstanding anything contained in the Gujarat Police Act 1951, the prescribed authority, for the purposes of sub-section (1) shall have power of superintendence over the police. **Bom. XXII of 1951.**
- 25.** The State Government may, by notification in *Official Gazette*, appoint any officer to be a Prescribed Authority for the Tourism development area. **Appointment of Prescribed Authority.**
- 26.** Notwithstanding anything contained in any other law for the time being in force, or any instrument, contract or usage or any order, judgment or decree of any court, no person, company, association or firm or any other body shall cause any nuisance within the Tourism development area. **Prevention of nuisance.**
- 27. (1)** The Prescribed Authority, either on its own motion or upon a complaint received or upon reference made to him, may, by an order in writing and without giving any prior notice, prohibit any nuisance being caused or prevent any such activity, process, operation being carried out, if in his opinion, the same has damaged or deteriorated or is likely to damage or affect adversely to tourism potentiality of the Tourism development area, and pass such interim orders as it deems fit. **Power of Prescribed Authority to prohibit nuisance.**

Notice for removing the nuisance.

(2) If, in the opinion of the Prescribed Authority, despite the actions taken by him under sub- section (1) a nuisance is continued, he shall issue notice to the person responsible for such nuisance to remove such nuisance forthwith.

Object of nuisance shall stand forfeited and vested in the Government.

(3) If the concerned person fails to comply with the directions under sub-section (1), the material thing or object of nuisance shall stand forfeited and vested in the State Government.

Expenses and costs for removing the nuisance.

(4) The expenses and costs incurred, if any, in removing or abating such nuisance, shall be recovered as an arrear of land revenue from the person who has caused such nuisance.

Dealing with the property of nuisance.

(5) Any property, thing, material or object, which is a nuisance under this Act, may be disposed of or dealt with by the State Government in the manner as it may deem fit.

Offences and penalties.

(6) Whoever causes the nuisance or abets the same or fails to comply with any order or directions given under this section, shall be punishable with imprisonment for a term which may extend to one month or with fine which may extend to fifty thousand rupees or both.

(7) Any offence committed under sub-section (6) shall be cognizable and non-bailable.

Prohibition of certain activities in Tourism development area.

28. (1) No person shall, within the Tourism development area commit or cause to commit or attempt to commit any act of toutting or malpractice against any tourist or engage in begging or in unauthorized hawking at any tourist destination and shall be dispersed by any personnel authorized by the SOU Tourism Authority;

(2) Whoever contravenes the provisions of sub-section (1) shall, on conviction, be punishable with imprisonment for a term which may extend to one month or with fine which may extend to five thousand rupees or with both.

CHAPTER VIII

LICENSING, REGISTRATION, RECOGNITION AND GRADING OF TOURISM TRADE RELATED ACTIVITIES

Registration, Recognition and Grading.

29. The SOU Tourism Authority shall regulate every category of tourism trade in the tourism development area by registering, recognition and grading in accordance with the procedures as determined by SOU Tourism Authority.

30. (1) The SOU Tourism Authority may, for the Tourism development area, from time to time, appoint as many tourist guides as required and specify their functions.

Appointment of Tourist Guide and licensing.

(2) The SOU Tourism Authority shall appoint the tourist guides in the manner as may be determined by it.

(3) The SOU Tourism Authority shall issue necessary license to the tourist guides containing therein the terms and conditions of such license.

(4) It shall be competent for the SOU Tourism Authority to cancel the licenses of any tourist guide if he breaches any of the terms and conditions of the licenses.

(5) No person having not been granted the license, shall act as a tourist guide.

(6) Whoever acts as a tourist guide without having the license, shall, on conviction, be punishable with imprisonment which may extend to one month.

CHAPTER IX

SOU TOURISM AUTHORITY TO BE AN INDUSTRIAL TOWNSHIP

31. (1) The State Government may, having regard to the proviso to clause (1) of article 243Q of the Constitution of India consider the Tourism development area to be an industrial township, and may by notification, declare the Tourism development area to be a notified area:

SOU Tourism Authority to be an Industrial Township.

Provided that, the State Government may, while declaring the notified area, include or exclude the village site area (*gamtal*) of a Village Panchayat or Municipal area.

(2) The provisions of sections 264B and 264C of the Gujarat Municipalities Act, 1963 shall be applicable in case the Tourism development area is declared as notified area under sub-section (1).

Guj. 34 of 1964.

CHAPTER X

FINANCE, ACCOUNTS AND ANNUAL REPORTS OF SOU TOURISM AUTHORITY

32. (1) The SOU Tourism Authority shall establish a fund to be called the "SOU Authority fund".

Funds of SOU Tourism Authority.

(2) The following shall form part of, or be paid in to, the fund.

- (a) all money received by the SOU Tourism authority by way of grants, loans, advances, fees, development charges or otherwise;
- (b) all money derived from its undertakings, projects and other sources;
- (c) bequests, donations, if any.
- (d) all money received by the SOU Tourism Authority in any other manner or from any other source.

(3) The fund of the SOU Tourism Authority shall be applied towards the expenses of the authority including expenses incurred in the exercise of its powers and discharge of its functions and for achieving the objects of this Act

2 of 1934.

(4) The SOU Tourism Authority fund shall be kept in any Scheduled Bank as defined in the Reserve Bank of India Act, 1934 or in any bank authorized by the State Government in this behalf or invested in such manner as may be prescribed.

(5) The State Government may make such grants, advances and loans to SOU Tourism Authority as the State Government may deem necessary for the performance of its functions under this Act on such terms and conditions as the State Government may determine.

**Power of
authority to
borrow
money.**

33. The SOU Tourism Authority may, from time to time, borrow for such period and upon such terms, as the State Government may approve, any sum of money necessary for the purpose of achieving the objects of this Act.

**Recovery of
arrears.**

34. (1) Any sum due to the SOU Tourism Authority under this Act shall be a first charge on the plot on which it is due, subject to the prior payment of land revenue, if any, due to the State Government thereon.

(2) It shall be competent for the SOU Tourism Authority to recover any sum due to it which is not paid on demand on the day on which it becomes due or on the day fixed by the SOU Tourism Authority by way of distress and sale of the goods and chattel of the defaulter, as if the amount thereof were a property tax due by the said defaulter.

**Accounts and
Audit.**

35. (1) The SOU Tourism Authority shall maintain proper accounts and other records and prepare an annual statement of accounts, including the income and expenditure accounts and the balance sheet, in such form and in such manner as may be prescribed and shall forward to the State Government.

(2) The accounts of the Authority shall be audited every year by and auditor who shall be a Chartered Accountant as defined in Chartered Accountant Act, 1949 or a firm of Chartered Accountants to be appointed by the authority.

38 of 1949.

36. (1) The SOU Tourism Authority shall during each financial year, prepare an annual report giving a true and full account of its activities during the previous financial year and an account of the activities likely to be undertaken by it in current financial year and submit it to the State Government.

Annual Report.

(2) The State Government shall cause every such report along with the audited annual accounts for the year to be laid before the State Legislature as soon as may be after the receipt of the report under sub-section (1).

37. The SOU Tourism shall provide to its employees the benefits of EPF scheme applicable under the prevailing law.

Provident fund.

CHAPTER XI MISCELLANEOUS

38. (1) Notwithstanding anything contained in this Act or in any other law for the time being in force, no person shall have any right or any claim over any land which has been acquired by the State Government or by any Government agency prior to coming into force of this Act within the Tourism Development area and had vested in it,

**Effect with
respect to land
right.**

(2) It shall be competent for the State Government to remove any person from the land referred to in sub-section (1).

39. (1) Any person who is engaged in any Tourism activity or Tourism trade within the Tourism development area shall get himself registered before the SOU Tourism Authority in the manner as may be determined by it.

**Information
on Tourism.**

(2) The SOU Tourism Authority shall maintain information of all registrations made under sub-section (1) in the manner as may be determined by it.

40. It shall be competent for the State Government, if it considers it necessary to do so, to appoint any employee of the State Government to any office or post under the SOU Tourism Authority upon such terms and conditions as the State Government may determine.

**Power of State
Government to
appoint its
employees to
any office or
post under
development
authority.**

State Government or person appointed by it may exercise powers, perform duty conferred or imposed on SOU Tourism Authority and disbursement of expense in certain circumstances.

41. (1) If in the opinion of the State Government, the SOU Tourism Authority is not competent to exercise or perform, or neglects or fails to exercise or perform, any power conferred or duty imposed upon it under any of the provisions of this Act, the State Government or a person or persons appointed in this behalf by the State Government may exercise such power or perform such duty.

(2) Any expenses incurred by the State Government or by such person or persons in exercising such power or performing such duty shall be paid out of the fund of the SOU Tourism Authority and the State Government may make an order directing any person who for the time being has custody of any such funds to pay such expenses from such fund and such person shall be bound to comply with such order.

Power of entry.

42. (1) For the discharge of duties and functions cast under this Act any person authorized by SOU Tourism Authority or any other person authorized by the State Government or any authority shall be authorized to enter into or upon any land or building with or without assistance:

Provided that-

- (i) no such entry shall be made except between the hours of sunrise and sunset or without giving its occupier at least 24 hours' notice in writing of the intention to enter in the case of any building used as a dwelling house or in the land wherein such building exists;
- (ii) sufficient opportunity shall be given to enable a woman to withdraw from such land or building;
- (iii) due regard shall always be had to the social and religious usages of the occupants of the land or building entered.

(2) Any person who obstructs the entry of a person empowered or authorised under this section to enter into or upon any land or building shall on conviction, be punishable with imprisonment for a term which may extend to one year or with fine which may extend to fifty thousand rupees or with both.

Service of notice, etc.

43. (1) All documents including notices and orders required by this Act or any rules or regulations made thereunder to be served upon any person shall, save as otherwise provided in this Act or rules or regulations, be deemed to be duly served, -

(a) where the document is to be served on a Government department, railway, local authority, statutory authority, company, corporation, society or other body, if the document is addressed to the head of the Government department, General Manager of the railway, secretary or principal officer of the local authority, statutory authority,

company, corporation, society or other body at its principal or branch office, or the local or registered office, as the case may be, and is either-

- (i) sent by registered post to such office, or
- (ii) delivered at such office;

(b) where the document is to be served on a partnership firm, addressed at its principal place of business, identifying it by the name or style under which its business is carried on and is either-

- (i) sent by registered post to such place of business, or
- (ii) delivered at the said place of business; and

(c) where any document is to be served on the owner or occupier or in any other case, if the document is addressed to the person to be served and-

- (i) is given or tendered to him, or
- (ii) if such person cannot be found, is affixed on some conspicuous part of his last known place of residence or business, or is given or tendered to some adult member of his family or is affixed on some conspicuous part of the land or building to which it relates, or
- (iii) is sent by registered post to that person.

(2) Where a document is to be served on a partnership firm in accordance with this section, the document shall be deemed to be served on each partner.

(3) Where the person on whom a document is to be served is a minor, then service upon his guardian or any adult member of his family shall be deemed to be the valid service upon the minor.

44. Every public notice given under this Act shall be in writing and shall be widely circulated in the locality to be affected thereby by affixing copies thereof in conspicuous public places within the said locality and by advertisement in one or more local newspapers.

**Public notice
how to be made
known.**

45. Where any notice, order or other document issued or made under this Act requires anything to be done for which no time is fixed, the notice, order or other document shall specify a reasonable time for processing the same.

**Reasonable
time for
notice.**

46. (1) If the person committing an offence under this Act is a company, every person, who at the time the offence was committed was in charge of, and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

**Offence by
companies.**

Provided that, nothing contained above shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance, of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly :

Explanation. - For the purposes of this section-

- (a) "company" means any corporate body and includes a firm or other association of individuals; and
- (b) "director" in relation to a firm means a partner in the firm.

Effect of other laws.

47. (1) Save as otherwise provided in this Act, the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other State laws for the time being in force.

(2) Notwithstanding anything contained in any other law for the time being in force, when permission for such development has not been obtained under this Act, such development shall not be deemed to be lawfully undertaken or carried out by reason only of the fact that permission, approval or sanction required under such other law for such development has been obtained.

Application of provisions of section 65 of Gujarat Land Revenue Code, 1879.

48. In respect of the land which is included in the scheme sanctioned under the provisions of the Gujarat Town Planning and Urban Development Act, 1976, the provisions of the Gujarat Land Revenue Code, 1879, in so far as obtaining the permission of the Collector for the use of the agricultural land into any non-agriculture purpose is concerned, shall be applicable as per general or specific orders of the State Government made in this behalf.

President's Act
No. 27 of 1976.

Bom. V of 1879.

Land deemed to be for public purpose.

49. Land needed for the purposes of a town planning scheme, development plan or an infrastructure project under this Act shall be deemed to be the land needed for public purpose within the meaning of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. **30 of 2013.**

45 of 1860.

50. All members, officers, and employees of the SOU Tourism Authority, and other Government Company or Agency shall, while acting or purporting to act in pursuance of the provisions of this Act or the rules and regulations made thereunder, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Members, officers and employees to be public servants.

51. No suit, prosecution or other legal proceedings shall lie against the SOU Tourism Authority, other Government companies or any of their committees, members, officers and employees for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act or any rules or regulations made thereunder.

Protection of action taken in good faith.

52. (1) The State Government may issue directions to the SOU Tourism Authority for carrying out the purposes of this Act and the authority shall follow such directions.

Power of State Government to give directions.

(2) While exercising its powers and discharging of its functions by SOU Tourism Authority under this Act, if any dispute arises between the authority and the State Government, the decision of the State Government on such disputes shall be final.

53. (1) The State Government may, by notification in the *Official Gazette*, make rules to carry out the purposes of this Act.

Power of State Government to make rules.

(2) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made and shall be subject to such modifications as the legislature may make during the session in which they are so laid or the session immediately following.

54. The SOU Tourism Authority may make regulations not inconsistent with the provisions of this Act and the rules made thereunder to carry out the purposes of this Act and for enabling it to discharge its functions under this Act.

Power of SOU Tourism Authority to make regulations.

55. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the *Official Gazette*, make such provisions not inconsistent with the provisions of this Act, as appears to be necessary or expedient for removing the difficulty:

Power of State Government to remove difficulties.

Provided that no order under sub-section (1) shall be made after the expiry of two years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before the State Legislature.
